

May 9, 2007



**TRANSCRIPT**  
**May 9, 2007**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

|                                |                               |
|--------------------------------|-------------------------------|
| Marilyn J. Praisner, President | Michael Knapp, Vice President |
| Phil Andrews                   | Roger Berliner                |
| Marc Elrich                    | Valerie Ervin                 |
| Nancy Floreen                  | George Leventhal              |
|                                | Duchy Trachtenberg            |



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1 President Praisner,  
2 Good morning, ladies and gentlemen. We apologize for being a little late. Other  
3 Councilmembers are in the office and will be joining us shortly. But we will begin this  
4 morning. We begin with Libraries and Arts and Humanities. And, as such, I will turn the  
5 responsibility over to our lead Councilmember for Libraries and Cultural Affairs, Roger  
6 Berliner.

7  
8 Councilmember Berliner,  
9 Thank you, Madam President. And my objective is for us to move through this pretty  
10 expeditiously because there really isn't a lot of controversial items. Actually I think we  
11 can--other than making sure that my colleague Councilmember Elrich is aware that we  
12 are about to throw some money at the Takoma Park Library annual payment, I think  
13 item number one basically should be done. I think you should just shake your head and  
14 say thank you.

15  
16 President Praisner,  
17 That's the non-departmental account for the annual payment to the Takoma Park  
18 Library duly noted and on the budget. (Inaudible) libraries.

19  
20 Councilmember Berliner,  
21 Let's turn to item two.

22  
23 President Praisner,  
24 We should invite the director and staff up to the table and because we're on television,  
25 ask you to introduce yourself and any folks from OMB who wish to--want to respond on  
26 any potential problem to join us. Barbara, you want to start by introducing yourself?

27  
28 Ms. Norlin,  
29 Thank you. I'm Barbara Norlin, Public Services Administrator, Public Libraries.

30  
31 President Praisner,  
32 Back to you.

33  
34 Ms. Gayle,  
35 Rita Gayle, Public Services Administrator, Public Libraries.

36  
37 Ms. Hamilton,  
38 Parker Hamilton, Library Director.

39  
40  
41 Mr. Carzon,  
42 Eric Carzon, Library Business Manager.

43  
44 President Praisner,



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1 Eric, I was just told by Delphine that if we don't speak slowly enough they can't pick up  
2 the name. If you could say Eric Carzon, it would help.

3  
4 Mr. Carzon,  
5 Eric Carzon, Business Manager Library Systems.

6  
7 Ms. Misner,  
8 Kathy Misner, Acting Chief for Collection Management.

9  
10 President Praisner,  
11 Thank you, Kathy.

12  
13 Ms. Feinberg,  
14 Beryl Feinberg, OMB.

15  
16 President Praisner,  
17 Okay, and I, um, Councilmember Trachtenberg will be joining us, but she is at an event  
18 right now for the Council. Roger, back to you.

19  
20 Councilmember Berliner,  
21 Thank you, Madam President. Again I think we should be able to move through this item  
22 fairly quickly. This is one of those good news stories generally in which the County  
23 Executive has proposed basically fully funding our library system's request. So we have  
24 got good news here. And I don't believe that--our committee certainly supports that and  
25 I know that other members have expressed previously their support of this. Unless you  
26 think otherwise, again we can flip through the pages but there are really no  
27 controversies with respect to issue one, two, three, four, five, six, seven or eight.

28  
29 President Praisner,  
30 Roger, I appreciate your enthusiasm, but unfortunately the general public doesn't know  
31 what one, two, three, four and five are. Let's identify just exactly they are.

32  
33 Councilmember Floreen,  
34 I think we have found common ground here.

35  
36 Councilmember Berliner,  
37 All right. Then if you'd like to walk us through very quickly -- (inaudible).

38  
39 President Praisner,  
40 Yes, just highlight what they are.

41  
42 Councilmember Berliner,  
43 Just highlight Item issue number one.



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1 Councilmember Floreen,  
2 Just read it.  
3  
4 President Praisner,  
5 Just read what it is.  
6  
7 Councilmember Berliner,  
8 All right. I can do that. Library Circulation System Replacement Study. \$300,000. Issue  
9 number one.  
10  
11 President Praisner,  
12 And I think the fourth line should be competed, not completed.  
13  
14 Councilmember Berliner,  
15 Yes.  
16  
17 President Praisner,  
18 Okay. My Neal Potter County (inaudible).  
19  
20 Councilmember Berliner,  
21 Thank you, madam president.  
22  
23 President Praisner,  
24 Now, it says according to best procurement practices, the contract which has already  
25 been renewed once should be "competed" not "completed" rather than renewed again.  
26  
27 Unidentified,  
28 You got the old version.  
29  
30 President Praisner,  
31 It is supposed to be competed.  
32  
33 Unidentified,  
34 Marilyn is correct.  
35  
36 Councilmember Berliner,  
37 All right. With that matter of note, does my colleague care to speak to the Library  
38 Circulation System.  
39  
40 Vice President Knapp  
41 Go ahead.  
42  
43 Vice President Knapp  
44 Keep going.



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Councilmember Berliner,

All right. Issue number two, a very popular item which was to expand the hours that the library is open with respect to our Sundays. Being open on Sunday and the committee supports the Executive's proposal with respect to that item as well. Issue number three: add two Manager III positions. And again we are supporting the County Executive with respect to that. These are positions that have been underserved and that we have one for our Collection Development Program, which is a very important position, and the other for our virtual branch, two very important positions, and the committee's recommendation was to support the County Executive with respect to both of those positions.

President Praisner,

I think it is important to note though that the \$47,520 sounds really, really light because it is only for one third of the work years. So what is going to be the annualized cost of these positions that will come due in FY09.

Councilmember Berliner,

I think she is turning to you for that. I know who she is not asking.

President Praisner,

I'm asking OMB.

Ms. Feinberg,

I don't have the exact calculation, but if that's for the one-third of the year, it would be about \$100,000 approximately.

President Praisner,

Per position.

Ms. Feinberg,

Right.

Councilmember Berliner,

All right. Issue number four: Materials Collection Increase. Obviously a very important item as our library system evolves and we need different materials for different folks. This is a \$383,980 increase that the County Executive has proposed and that our committee has recommended to you the Council approval of. Issue number five: here is one. Maybe you've been waiting for this one. Increases for Germantown and Rockville libraries; \$62,000 for 2.7 work years. Committee again recommended supporting the County Executive's proposal with respect to that. You may indeed.

Councilmember Andrews,



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1 On the materials budget, is there any joint purchasing done with other library systems of  
2 materials?

3  
4 Ms. Hamilton,

5 No, there is no joint purchasing but we are part of the state and we do have the capacity  
6 to get materials from across the state, but there is no joint purchasing with other library  
7 departments.

8  
9 Councilmember Andrews,

10 I wasn't sure if it would rise, and you purchase a huge number of materials, but perhaps  
11 so many different ones that it might not--.

12  
13 Ms. Hamilton,

14 Just a minute. They tell me that we do joint (inaudible) with databases.

15  
16 Councilmember Andrews,

17 Okay.

18  
19 Ms. Hamilton,

20 E-books.

21  
22 Councilmember Andrews,

23 And what.

24  
25 Ms. Hamilton,

26 E-books.

27  
28 Councilmember Andrews,

29 All right. I was looking at whether that -- given the ease now to purchase things through,  
30 you know, electronically and to coordinate perhaps not as easily with other systems, it  
31 did seem like that was something that was now much more feasible than it used to be.

32 And if there is enough combination of purchases with other the systems perhaps  
33 resulting in some bulk savings to the users.

34  
35 Ms. Hamilton,

36 I think we would use this money mainly to buy print material in order to increase our  
37 ESOL materials, materials for teenagers and use and everything. So in looking at this  
38 increase that would be the target.

39  
40 Councilmember Andrews,

41 Right. Now, it wasn't about whether the increase be used for that but whether as a  
42 general practice you're procuring books and materials in combination with other library  
43 systems to reduce the unit cost through having a larger demand for, you know,  
44 strengthening your bargaining power with the publishers. That's what I was getting at.



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1  
2 Ms. Hamilton,

3 We have had some discussion about that in the state but so far we are basically--the  
4 databases and then the joint cooperation with marina inter-library loans, et cetera, as far  
5 as we have gone thus far.  
6

7 Councilmember Berliner,

8 Okay. Councilmember Knapp has figured out what his question was.  
9

10 Vice President Knapp,

11 Takes me a little bit to get going on Wednesday. Back on issue number one: Library  
12 Circulation System Replacement Study. I just wanted to explore that a little bit because  
13 it would seem to me that we probably already do library circulation. It talks about the  
14 system you already have in place, and \$300,000 for a requirements analysis seems  
15 pretty significant. I mean how many people do we need to be doing requirements  
16 analysis for a system we already have that presumably we need to refine; but it is not  
17 like we are building it from scratch. I'm just trying to get a sense of what -- where the  
18 \$300,000 is actually going.  
19

20 Mr. Carzon,

21 The last time that we replaced the system in 1999 that was a very large project and  
22 introduced a lot of technology for the first time, and we put internet PC's, for instance, in  
23 the libraries for the first time. So that project was \$4 million. Now we did -- .  
24

25 Vice President Knapp,

26 (Inaudible) knowledge for the requirements analysis.  
27

28 Mr. Carzon,

29 The whole project was \$4 million. It included a requirements analysis with professional  
30 help. We did that \$300,000 with DTS; it is about four months of work from a contractor  
31 team to assist us. I mean the staff has a very significant involvement in doing the  
32 requirements analysis but it is not just one system. The combination of technology here  
33 affects everything that we do; it affects the entire customer experience and all the staff  
34 efficiency, because it is circulating the books, it's acquiring them, and it's all those  
35 ancillaries -- .  
36

37 Vice President Knapp,

38 I don't disagree. I'm just trying to figure out if we did the whole project for \$4 million,  
39 what percent of the \$4 million we used last time was used for requirements analysis.  
40

41 Mr. Carzon,

42 I don't know what the amount of the requirement analysis was.  
43

44 President Praisner,



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1 Well can you get back to us on that issue?

2  
3 Vice President Knapp,  
4 Just get back to cause that -- .

5  
6 President Praisner,  
7 Let me also--since Councilmember Trachtenberg not here--alert the Council to  
8 something that you'll see later perhaps, but at least you need to know about in  
9 relationship we're going to do liquor control later as well. To the extent any of these  
10 departments interact and use credit cards in any of their activity--the rec department,  
11 the libraries if they have some issues that they -- where they will in the future use even  
12 more credit cards; liquor control uses credit cards in every store. The credit card  
13 companies have increased their demands and requirements. If you're going to use a  
14 credit card or do purchasing by credit card or have any credit card application, their  
15 increased demands related to security and increased demands related to the processes  
16 that are used. We have begun to look at that issue. As DTS told us, it is a significant--  
17 likely to be a significant cost associated. And it's the price of doing business that  
18 businesses have, but we're going to have as well. So from that perspective every time  
19 we have a transaction with--in any of our departments with credit cards, it is going to  
20 have to change dramatically; the security pieces of it. And that may affect a variety of  
21 other technology costs in the future. So I'm alerting you all to that. DTS is working on it  
22 but--and finance--any of the departments that take credit cards. We want to do more  
23 online, that's likely to have more implications too. The system has security to some  
24 extent as well.

25  
26 Ms. Feinberg,  
27 I'm sorry. Mr. Knapp, on circle page 27 is a breakout of the consultant cost as DTS had  
28 outlined it, which may provide some of the answers to your question about this  
29 \$300,000.

30  
31 Vice President Knapp,  
32 Okay. Thank you. I'll take a look at that.

33  
34 President Praisner,  
35 But it would also be helpful if you came back to us with scope comparison to what was  
36 done the last time with the study process. Because last time we moved dramatically,  
37 you know, leap of technology assumptions. So this one might be the same or it might be  
38 less or whatever. Thank you. Councilmember Berliner, I believe we're back to you.

39  
40 Councilmember Berliner,  
41 We will be back to Issue number six, I believe, which is basically \$41,000 for a half year  
42 for somebody to drive all of these books all over the county. So the County Executive  
43 recommended funding this position and the committee believed it was an appropriate  
44 request.





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1  
2 President Praisner,

3 At some point we go back to the trucks issues and at some point we also, I think, need  
4 to look at whether it is mail that is distributed to all of our offices; are the books  
5 separately delivered then? Why? Why can't they be delivered with the regular  
6 distribution of mail that may go on among agencies? Does the library not get mail from  
7 the Central Processing process?

8  
9 Mr. Carzon,

10 It is books and mail. These drivers move everything between the branches and central.  
11 So they in effect act as the inner-office mail between central and everybody else.

12  
13 President Praisner,

14 I understand that, but my question is why is this by a department basis rather than by a  
15 county basis looked at?

16  
17 Mr. Carzon,

18 In our case it is more efficient because they are moving tons of books anyway. So while  
19 they are there at the branch, they pick up the mail and they take it with them. And they  
20 have to come to central anyway because Rockville is at central.

21  
22 President Praisner,

23 Okay, so this is the implications -- this is an effect of our not being able because of the  
24 city of Rockville to change where our distribution process was before? I'm still having  
25 trouble why it is a new position.

26  
27 Mr. Carzon,

28 This need is because this team of folks doesn't have a manager and this is one of our  
29 most critical functions, because they're moving the materials back and forth between the  
30 branches, the holds, the new books, books that people return at branch X that belong to  
31 branch Y. It is a critical function.

32  
33 President Praisner,

34 So it's when the position was cut several years ago.

35  
36 Mr. Carzon,

37 Right. Right.

38  
39 President Praisner,

40 And we haven't lived okay without the manager during this time period?

41  
42 Mr. Carzon,



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1 We have been struggling and that's why we need somebody to -- this is a driver  
2 manager. So they will drive as well, but we need someone to manage this team. I mean  
3 this is a team of folks that have schedule issues.

4  
5 President Praisner,

6 So it's a driver/manager position, why do we need to create a new one? Why can't we  
7 just take one of the drivers and elevate them to the manager responsibility, which would  
8 be an incremental increase in cost for that position but why do we have to add a brand  
9 new position for the manager role?

10  
11 Ms. Feinberg,

12 Mrs. Praisner, as I understood, a part of the problem is when they have -- .

13  
14 President Praisner,

15 Microphone, Beryl, please. Just into it because your voice was so soft.

16  
17 Ms. Feinberg,

18 Sorry. Part of the issue as I understand it would also be if you will, like a relief factor.  
19 When they have someone who is on scheduled annual leave and then they may have  
20 someone who calls in sick or has an emergency, they have a real problem, an  
21 operational problem. And this would help to relieve that type of problem that they have  
22 had before. It's to kind of make them whole.

23  
24 President Praisner,

25 Are we adding a new route or we're just using this individual as a relief driver?

26  
27 Ms. Hamilton,

28 When the Clarksburg Library opens, that will probably add a new route. But this is also  
29 trying to address expectations of our customers. Currently we are saying to our  
30 customers that we want to move a book from X library to next library within 48 hours.  
31 The reality is taking us sometimes four to five days. And so we're trying to really  
32 improve that customer service to our customers. So having the truck, the driver, and a  
33 manager, we believe that this will help us make this unit more efficient.

34  
35 President Praisner,

36 I'm still having problems with management of personnel. But let's move on.

37  
38 Councilmember Berliner,

39 Moving on then to page nine, issue eight: Personnel Cost "Other Adjustments," with no  
40 service impact. Just some changes as a function of new contracts, et cetera, that the  
41 County Executive has proposed totaling \$1,642,000, and that the committee believed  
42 was appropriate and just was the direct outflow of negotiations and other cost of living  
43 adjustments, et cetera. Issue number nine: other increases we're talking \$92,000 for  
44 motor pool, interpreter, printing, et cetera. Issue number ten: cost decreases excluding



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1 personnel costs, which was a total of \$160,000. These are decreases and the Chair of  
2 the committee has historically expressed concern with respect to things like self-charge  
3 machines, and as to whether or not that would decrease personnel, substitute for  
4 personnel, and we have gotten assurances that's not what is taking place with respect  
5 to this item. That takes us to other expenditure items at the bottom of page ten, which is  
6 the lapse number, which was among the more significant modifications that the  
7 committee made to the request in light of the large number of positions that have been  
8 unfilled historically that we felt that without too much pain that we could increase the  
9 savings with respect to this item by \$150,000 without crimping the library's ability to go  
10 out and aggressively try and fill these positions. And it is always understood if you reach  
11 that magic number where you are crimped that you come back to us and let us know  
12 and the supplemental, et cetera. So that's \$150,000 that we were able to add for a total  
13 of almost \$1 million. Then we move to the bottom of page 11 to Grant Funded  
14 Expenditure issues. And I know the chair has strong views with respect to this item.

15  
16 President Praisner,

17 I have questions and I know Councilmember Leventhal wants to comment.

18  
19 Councilmember Berliner,

20 That's who I was referring to when I said the Chair. I know the President will have  
21 issues too. This is a question that arises as a function of a concern many people have  
22 with respect to unruly behavior at our libraries, particularly teenagers hanging out at our  
23 library. The good news is that they are hanging out at the library. The bad news is they  
24 are not all -- always on their best behavior at the library, and so there is a proposal by  
25 the Executive Branch to seek a federal grant that would provide assistance in libraries  
26 to control unruly behavior. This is a grant that, if you will, does not exist today. This is a  
27 grant that the County Executive will be seeking. It is, I think to be fair, not fully formed as  
28 to precisely what that grant application will look like. I have asked staff for some draft  
29 language. I don't know if you've had a chance to pass that out, Minna, if you would. It  
30 was a little too open-ended for my comfort zone. The committee on a two-to-one vote,  
31 over the Chair's objection, agreed to support this request: A - because it has no impact  
32 on our SAG dollars; it's federal dollars. It is federal dollars that don't exist today and the  
33 request from the County Executive essentially was if you appropriate these dollars it will  
34 put us in a better position, we believe, to get the dollars from the Federal Government.  
35 Whether that's true or not, two of us were prepared to see to that request, but what I  
36 have passed out is revisions to this that would require the County Executive to transmit  
37 to us a copy of the grant application in advance and allow the Council 30 days to  
38 comment on it; in part because we felt like what is this and we would like to see it before  
39 it goes forward. It could have implications for future year funding, which has always  
40 been a concern when one gets a grant that it in fact obligates us for a longer period of  
41 time. The Council will certainly want to understand that and make sure that what is  
42 being sought here does not have an obligation that extends longer than that, which the  
43 Council is comfortable funding. So all of that being said, that was what the nature of the  
44 proposal was. Does that fairly characterize it, Ms. Minna? And I believe that I fairly



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1 characterized the slight tightening that I have proposed, and I know that that hasn't  
2 satisfied the Chair of the committee, so I would turn to the Chair for him to share his  
3 reservations.

4  
5 Councilmember Leventhal,

6 Thank you, Mr. Berliner. First of all let me say over the years that I've been on the  
7 Council people often ask me, you know, how do Councilmembers work together? Do  
8 you have groups or slates or teams? Or, you know, are you in factions? And what I say  
9 is no that we are nine independent cats; that we don't have any factions or groups; there  
10 are different coalitions on different issues. And I don't get along better with any  
11 Councilmember than any other because they all aggravate me equally.

12  
13 Councilmember Floreen,  
14 How can you say that?

15  
16 President Praisner,  
17 Actually I think this is a dog council, not a cat council.

18  
19 Councilmember Berliner,  
20 So that's how it is?

21  
22 Councilmember Leventhal,  
23 With that as context, I have nothing but praise for Roger Berliner. I want to say Roger  
24 has done really an extraordinary job in his first few months here mastering the issues of  
25 Arts and Humanities and Libraries. We're going to get to Arts and Humanities later this  
26 morning; we've actually implemented some pretty complex changes in the way we fund  
27 the Arts and Humanities. And with respect to both of these very important issue areas,  
28 Roger has just done an excellent job. He does his homework, he reads his material, and  
29 I just really praise his efforts here on the Council. He's done a terrific job. He may yet  
30 tick me off.

31  
32 President Praisner,  
33 Not this morning.

34  
35 Councilmember Leventhal,  
36 So far he's just doing a terrific job. And I thank you, Roger, for your good work and the  
37 committee appreciates what you've been doing. What I want to say about this -- and  
38 now let me talk about these two positions and let me step back from that a moment.  
39 Okay. I have high regard for Mr. Cardona, our Gang Prevention Coordinator. And  
40 obviously I have high regard for the Collaboration Council for Children, Youth and  
41 Families, which I have worked very closely with for the last five years; but both of those  
42 distinguished entities - Mr. Cardona's office and the Collaboration Council have got to  
43 do a better job of explaining to this Council in plain English their plans for new programs  
44 and new spending; and they haven't done it. And we're going to have this conversation



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1 in the HHS Budget, where they are proposing some grant program that isn't well  
2 explained that relates to gang prevention; and with respect to these two positions. I  
3 have a big heart. I care a lot but the needy and people who are left behind. But if some  
4 young person is disrupting the operations of a library and interfering with the ability of  
5 other library patrons to enjoy the library and make use of the library, they should be shut  
6 down. Their behavior should be stopped and they should not have access to the library.  
7 I don't believe in -- I don't think I support a psycho-social approach to disruptive  
8 behavior in the library. If a young person is being disruptive, they should be tossed out  
9 of the library. And we should not have tolerance for it. We have had conversations  
10 about this in the past. As the Council President pointed out, a couple of years ago we  
11 were talking with the Chief Manger about this issue. He has budgeted \$50,000 for police  
12 overtime in libraries, which I go along with but it raises the question what is our policy  
13 for disruptive behavior in libraries. And so I've consulted with Mr. Berliner, and I hope he  
14 concurs, and I'm asking Ms. Davidson to make sure that we schedule in the HHS  
15 Committee, after budget, a discussion of disruptive behavior in libraries and what are  
16 we doing, because we passed this law which was intended to strengthen the ability of  
17 librarians and bus drivers specifically to deal with disruptive behavior by patrons. I  
18 understand it is not working the way we hope. I understand that some librarians feel  
19 they are over their head. That they may be physically threatened, that there may be  
20 situations where they fear for their own security. We have also created this Department  
21 of Homeland Security, which I'll talk about another day - I think needs to change its  
22 name because that name "Homeland Security" has lost credibility that's abysmal  
23 conduct of the Bush administration. But--I'm going from topic to topic, I apologize,  
24 Madam President.

25  
26 President Praisner,  
27 It is Leventhal decimal system that we're using right now.

28  
29 Councilmember Leventhal,  
30 This is my point. We need a system for dealing with disruptive behavior in libraries. I  
31 was under the impression that "A" we have strengthened the hand of librarians and "B"  
32 we had assigned building security personnel. Homeland Security, you know, people,  
33 and now we've got police overtime and now we have got this loosey-goosey, fuzzy-  
34 wuzzy gang prevention, you know, hugs and kisses approach to treating people's  
35 fundamental needs. I don't get it. I don't understand it. I don't understand it. And we  
36 need a discipline approach to disruptive behavior in libraries. So I'm not in favor of this  
37 item. In addition, as a matter of principal -- .

38  
39 President Praisner,  
40 Is there a motion, Councilmember Leventhal?

41  
42 Councilmember Leventhal,  
43 Sure. I move that we don't do this.



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1 President Praisner,

2 It has been moved and seconded that the \$268,360 be removed from the budget at this  
3 point, and obviously that we have further discussion. I would -- we will have further  
4 discussion now obviously on this item, but I just want to highlight that I think this issue is  
5 another one of those crosscutting department issues that justifies our looking at the  
6 budget and the program for these items across departments rather than individually in  
7 departments at some point in the future. So from whether it is gang prevention or safety  
8 or whatever, I think we need to look programmatically rather than departmentally so we  
9 can see a plan and coordination. So that's just my comments. Mr. Leventhal, you want  
10 to go back to your comments on the motion in front of us.

11  
12 Councilmember Leventhal,

13 Well I do acknowledge, as Mr. Berliner points out, that this -- by eliminating this item  
14 unfortunately we don't provide the Council President with any more money. This is  
15 speculative anyway but still, I don't support the approach. And in general I don't support  
16 the approach, and I'm speaking, Parker, through you to the OMB and to the Executive  
17 of saying we're going to appropriate the money now expecting that we will get a grant  
18 later; we don't know what grant, we don't know what it is for. That just doesn't sound  
19 solid.

20  
21 Councilmember Berliner,

22 I know that Ms. Hamilton would care to -- .

23  
24 Ms. Hamilton,

25 First of all we do handle disruptive behavior in the libraries, and the positions that we  
26 would like to have will not be dedicated to dealing with disruptive behavior. They will be  
27 doing programming so that the children and the teenagers who are in the library will  
28 have an opportunity to participate in productive programming. This issue of out-of-  
29 school time is something that many libraries across the country are dealing with. We  
30 went up to New York City and spent some time with both the Queens Public Library and  
31 some other libraries trying to look at best practices in terms of how they are dealing with  
32 it. And the best practices include having designated staff who are trained in outreach,  
33 who are trained to work with teenagers to provide programming so that the librarians  
34 can continue to do the other part of the job, which includes dealing with disruptive  
35 behavior. We believe that in the long run this will help us with the disruptive behaviors.  
36 The positions are to serve as security guards or anything it is really programming. So  
37 we looked at best practices across (inaudible).

38  
39 President Praisner,

40 I understand that but it is listed and the discussion was associated with youth prevention  
41 initiatives and youth initiatives. And we have had programs in the past - children's  
42 programming obviously more geared towards younger children than are presenting  
43 themselves in this issue. But it still comes back to the issue of who is doing what? How  
44 many of these things we are doing? Where the responsibility lies. What the organization





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1 is, and whether these are going to wind up being operational costs for the County or  
2 whether there really is a grant? I want to personally focus on the point that  
3 Councilmember Leventhal just made, which is we don't normally go through a budget  
4 process saying yes to positions when we haven't even applied for the grant. In fact,  
5 that's not kosher in my view. So to be saying trust us, let us have positions and the  
6 language Councilmember Berliner is proposing doesn't help the problem, which is the  
7 way we approach this issue as far as grants and grant funding. We don't know whether  
8 we're going to get this grant. We don't even know what the requirements of the grant will  
9 be. We don't know exactly when it will come due. We don't know how much it will be.  
10 We don't know how long it will be for. It is a pig-in-a-poke.

11  
12 Ms. Hamilton,  
13 I don't disagree with what you're saying. I just wanted to clarify the purpose of the  
14 position. There seems to be some confusion.

15  
16 Councilmember Berliner,  
17 Ms. Hamilton, if I could on that point.

18  
19 Ms. Hamilton,  
20 Yes.

21  
22 Councilmember Berliner,  
23 As one who sat through the committee conversation and is looking at the packet before  
24 us, and I would direct your attention to the packet on page 12, and particularly with  
25 respect to the middle paragraph there starting with DPL staff; and would say to you as  
26 someone who is prepared to be supportive of this notwithstanding and I feel like the  
27 votes are going the other way on this matter. But nonetheless, I would say to you that  
28 the conversation you just had with us with respect to what the underlying objective is  
29 with respect to this grant is not reflective in the language that we had before us and is  
30 not reflective in the conversation that we had in committee. Now has there been an  
31 evolution in the thinking with respect to this matter such that you are now putting a --  
32 giving us a different -- I don't want to say spend in a (inaudible) way, but I want you to  
33 know this is the first time that we have heard it cast in these terms. And so my  
34 colleagues, I think, are well within their rights to be going I'm sorry.

35  
36 Ms. Hamilton,  
37 Right and if there was confusion at the work session, I would like to apologize. But when  
38 I saw the document I immediately wrote down we need to clarify this because our  
39 discussion led us to believe that Mr. Leventhal thought that these positions were going  
40 to dealing disruptive behavior (inaudible) issues.

41  
42 Councilmember Berliner,  
43 It is aimed at outreach to youth in certain libraries to address unruly behavior. I don't  
44 know.



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1  
2 Ms. Hamilton, 93

3 That is incorrect. It needs to be corrected.

4  
5 Councilmember Berliner,

6 Okay. That's important. I appreciate your clarifying that in fact is not the intent with  
7 respect to these grant dollars which -- so let me turn to the Council.

8  
9 President Praisner,

10 Well, Councilmember Leventhal still has the mic, but we have other Councilmembers  
11 who want to speak. So, George, if you (inaudible).

12  
13 Councilmember Leventhal,

14 Well I'll just close by saying this - we're going to have this discussion of unruly behavior.  
15 The Rec Department provides programming; the school system is involved in a variety  
16 of things; we have grants to lots of out-of-school time activities; I'm concerned -- first of  
17 all I agree with Mr. Berliner, Ms. Hamilton, that what you've said now is not what I heard  
18 in committee. So it seems to be shifting over a few days. But secondarily, even as you  
19 described it, I'm concerned about mission creep. I mean libraries have a specified  
20 purpose. People go to the library to study, to use the computer, take out DVDs. There is  
21 programming for children. I'm aware of that. It emphasizes reading and literacy.  
22 Libraries have a certain mission, okay. If the Library Department wants to come back to  
23 us with a more fully flushed-out description of how we can turn young people on to  
24 reading at the library and literacy and library programs, we can listen to that later. But  
25 we seem to be making up this on the fly.

26  
27 Ms. Hamilton,

28 Actually we're not. We have been meeting with the Department of Recreation, we've  
29 been meeting with people from Health and Human Services, we've been meeting with  
30 the F.O. officers from schools regarding how collectively we can approach this problem.  
31 So we're not making it up on the fly. And I'm sorry for any confusion from last time, but I  
32 can show you the document that we presented that clearly outlined that it was programs  
33 and not to deal with disruptive behavior. Down the road it will impact but the positions  
34 were clearly to deal with programming.

35  
36 President Praisner,

37 I have two other Councilmembers who would like to speak and then we'll go back to -  
38 unless George (inaudible).

39  
40 Councilmember Leventhal,

41 I just want to say a library is a place to study and be exposed to knowledge. It is not a  
42 place to -- it is not for entertainment; it's not recreation. We have a Recreation  
43 Department. I still think we need to define this much more clearly, and I'm concerned  
44 about mission creep.





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1  
2 President Praisner,  
3 Councilmember Berliner wants to comment. I still have two Councilmembers who have  
4 their lights on and want to speak, so I want to let them.

5  
6 Councilmember Berliner,  
7 And I believe the administration wants to speak as well, Madam President. I would just  
8 say to my colleague with respect to the, if you will, the role of the library. My own belief  
9 is that the role of the libraries are evolving in a very substantial way, and they are  
10 becoming community centers.

11  
12 Councilmember Leventhal,  
13 They are not community centers and they are not rec centers. We have community  
14 centers and we have rec centers; that's my point.

15  
16 Councilmember Berliner,  
17 I understand that's your point of view, and I would say to you that I believe that there is  
18 a great deal of evidence to suggest that they are in fact evolving and turning into much  
19 more than places of study. And that may be a good thing and it may be a bad thing, but  
20 I think the reality is that that is in fact what's taking place. So as to whether or not this is  
21 an appropriate venue in which to address this kind of behavior I think is certainly open  
22 to debate and we will have that conversation. But I didn't want to let un-rebutted the  
23 notion that libraries are simply a place of study. They certainly have traditionally been  
24 that and I believe that there is strong evidence in many articles with respect to the fact  
25 that they are changing their place in the community. So with that I will turn it back to the  
26 Council President to call on colleagues.

27  
28 President Praisner,  
29 I do have to comment on that though. As a Councilmember for an area where you've  
30 highlighted there's a problem in the library. The library is right next door to a recreation  
31 center. If you're going to run programs for youth, you can direct them into the recreation  
32 center. So I am strongly supportive of coordinated programming, but I'm not sure every  
33 department needs to run that program themselves in their own building. Councilmember  
34 Elrich.

35  
36 Councilmember Elrich,  
37 I agree with most of the previous comments. I don't think that a change is necessarily  
38 evolution. In this case things are devolving, not evolving. It may be the libraries are  
39 getting used different because they a sheltered place where people can congregate, but  
40 it doesn't mean it is the right place for congregating when -- if the issue is that the  
41 libraries have a ton computers and the community centers don't have computers, and  
42 the kids are to the library so they can play on the internet, because they are not doing  
43 research on the internet, or at least not researching things probably related to school.  
44 Then those activities probably belong contained inside the community centers not inside



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1 the libraries. So I don't think just because a building is being used differently that we  
2 ought to just simply accept that and say this is a change and it must be a good change.  
3 Not all changes are good, and we should look at how we want things to function. I agree  
4 with George about the discipline issue. I mean frankly it starts in schools. Schools  
5 tolerate behaviors they should not tolerate so it is not really surprising when the kids go  
6 out into the libraries that they exhibit the same behaviors. And I would extend the  
7 concern not just over the disruptive behaviors, but increasing reports of kids who are  
8 truly truant, hanging out in libraries during the day. They need to be brought back to  
9 school, not left to stay in the library. I mean there's got to be an aggressive program to  
10 put kids where they belong, to do activities in places that are appropriate for the  
11 activities they are supposed to be doing. And when it is a school day and they are  
12 supposed to be in a classroom, to make sure they go back to the classrooms and do  
13 what they are supposed to be doing there. To just simply accept that libraries become  
14 congregation points, that they become a place that kids go when they are skipping  
15 school and none of us can do anything about it, I think that's wrong. The other thing is,  
16 Roger, I hope you made a mistake in here because this can't be a youth prevention  
17 initiative. Because most of us were struggling to either hold on to it or revert. And just  
18 because we're getting older is not any reason to be so jealous that we would want to  
19 prevent other people from having youth. I was concerned that you had gone even  
20 farther than I would go in dealing with this issue. But I do agree this should not be a  
21 grant that I would not support funding this right now. I think we need a comprehensive  
22 look at how our facilities are used and how our staff is used in order to get the best  
23 effect. I think this would open the door to another touchy-feely exercise that I think is  
24 absolutely unnecessary when you can just say no, you can't do this and you're not  
25 going to come in here. They don't need a discussion about what their, you know, what  
26 they're feeling at the moment when they're cursing over whether it's like Faulkner or,  
27 you know, Wordsworth, which is what I thought the disruptive behaviors happen to be  
28 over. So I would just like to say something (inaudible).

29  
30 President Praisner,  
31 Councilmember Floreen?

32  
33 Councilmember Floreen,  
34 Thank you. I have to say, Marc, actually the County Executive called this Youth  
35 Prevention. Federal Gang/Youth Prevention.

36  
37 Councilmember Leventhal,  
38 (Inaudible).

39  
40 Councilmember Floreen,  
41 That is how it is technically written in the budget.

42  
43 Councilmember Berliner,  
44 Thank you for rescuing me.



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Councilmember Floreen,

It's not our friend, Councilmember Berliner's fault here. I just want to say I have been a strong advocate for libraries as anyone could be on the Council. The real issue here is that we have been around the block before on calling everything gang prevention without a clear understanding of what was at issue. And as Mrs. Praisner said, you can go and apply for whatever grant you want, I think, and come back as a supplemental and we can discuss it in that context. But I agree with most of what else has been said in this regard. I would much rather that we were talking about increasing your budget for maintenance and for employees serving the public. Because I do think libraries are the basis for educational experiences for every member of our community. Your reach could not be greater. Whether or not they are community centers or places for learning and advancement, that touches everyone in this county. So I just wanted to make that point. I am very concerned about--that we fund you adequately to achieve your core mission. And I haven't heard a lot of complaints about how you've been funded in this regard so we're not adding things, which I personally would have done if you'd asked. So okay. But to add a program like this that I think just distracts from your current mission without any plan, with only vagueness listed here, and apparently some lack of priority amongst everybody as to what it is intended to achieve at this point, I think it is just premature and I think the whole issue of gang prevention, whatever that is, which is basically youth services, I think, is something that the Council needs to continue to focus on where the department heads perhaps and revisit the whole idea of a real plan which has been -- being pieced together over the past couple of years. I still don't have a handle on it. That was class reduction last year or two years ago.

President Praisner,  
Two years ago.

Councilmember Floreen,

As well as a collection of other initiatives all of which are good, all of which achieve this result one way or the other. But I don't think this particular one is ready for prime time. So I support George's motion. May I suggest we move on?

President Praisner,  
Councilmember Andrews has requested an opportunity to speak so let's let him speak.  
Councilmember Andrews.

Councilmember Andrews,

Thank you. I think it would be better for the department to come back with another proposal that's more flushed out on this issue. But I do want to just focus on the disruptive behavior issue. It is an important issue and librarians have dealt with it in some cases successfully and in some cases have not been successful and have felt they needed for assistance. To what extent have you been able to bring in security personnel, not police officers, but security personnel to help? What's the status of that?



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1  
2 Ms. Hamilton,

3 We met with Homeland Security when we were dealing with the Long Branch area. And  
4 according to the staff members there representing Homeland Security, they do not have  
5 the manpower in order to have security officers in our building as a deterrent. In addition  
6 to that, I believe that their mission and their role might not be exactly what is needed to  
7 help the librarians and staff deal with disruptive behavior.

8  
9 Councilmember Andrews,

10 Okay. All right and that's the genesis of the -- that's why the police department has been  
11 called in on occasion and why the County Executive put \$50,000 in for that purpose. I  
12 would note, Madam President, sad in the case of Long Branch, which has been one of  
13 the libraries that's been a problem, there is a rec center very close by.

14  
15 President Praisner,

16 Actually I was referring to Fairland where they share a site.

17  
18 Councilmember Andrews,

19 Well, there you go. You have two libraries that have had disruptive behavior be a  
20 problem. You have rec centers in those two cases, at least, close by. I would suggest  
21 on the grant the department come back to it. I don't think it is ready. I think that there is  
22 real question of whether the department is the best place to do this anyway. So that's  
23 my (inaudible).

24  
25 Councilmember Berliner,

26 Would anybody else like to quit this puppy?

27  
28 President Praisner,

29 No I think the -- now we've agreed as a Council this is removed from the budget.

30  
31 Councilmember Leventhal,

32 I do have one five-second comment. The way to think about this seriously is if we are  
33 bending over backward to accommodate those who are disruptive, how are we harming  
34 the ability of those who are using the library as it is intended? That's a very serious  
35 question.

36  
37 Ms. Hamilton,

38 Yeah. I think this discussion has been very useful for me in terms of thinking of how  
39 libraries as a department can deal with it. I think the reality is that teenagers are in the  
40 library. That's the reality. They do not go to the rec center. Some of them do, some  
41 don't. We have teenagers in our libraries from after school until evening. And the  
42 majority of them use the library very successfully.

43  
44 Councilmember Leventhal,



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1 Exactly.

2  
3 Ms. Hamilton,

4 And that's positive. But as you look at out-of-school time and programming, I do think  
5 that there is a need to collaborate with recreation, with HHS, with the schools in order to  
6 look at this collectively for the county.

7  
8 President Praisner,

9 And I think that's what Councilmembers have been saying. That's why we funded the  
10 rec extra program and the rec department and the school system recreation setting.  
11 That's why we have put pilot money into the sports academies. I don't think  
12 Councilmembers are opposed. In fact they are kind of pushing to look at these issues of  
13 after hours, after school time. But the question is just picking each department that may  
14 have a relationship with children as running a program without looking at this collectively  
15 which we want to do, and what the appropriate behavior issue. My experience has been  
16 that some young people don't want to be in an organized program whether it is in the  
17 rec department or the library or after school, and we'll have to deal with those  
18 individuals in a different way. But just to automatically assume that everyone is  
19 disruptive might be attracted by an organized program and that the library has to  
20 develop that as I think is what we have basically said; we have some questions about.  
21 So the Councilmembers I've consulted with all of them as well as with the lead  
22 Councilmember, and it is the Council's wish to remove this from the budget at this time.  
23 Okay. Let's move on, Councilmember Berliner.

24  
25 Councilmember Berliner,

26 Well I guess what I'd like to do, I know that Beryl had wanted to speak with respect to  
27 this item, and I'd like to give her the opportunity to do so.

28  
29 Ms. Feinberg,

30 Thank you, Mr. Berliner. Just a couple of comments, in that when the gang steering  
31 committee, Gang and Youth Violence Prevention Steering Committee did meet, these  
32 were not just ideas that were just, you know, they tossed a ball in the air. Right. I do  
33 hear you. There are items both in the HHS budget which we will take up when we  
34 discuss the HHS budget on the grant side also. And I will not go into -- we'll wait until  
35 that conversation. I just urge you that the intent on the executive side was that this kind  
36 of placeholders will be signaling when they apply for grants and stronger obligations of  
37 the Feds to participate with us in these gang intervention, suppression and prevention  
38 activities. And no funds will be expended before a grant award is ever received.

39  
40 Councilmember Leventhal,

41 I would like to know more about whether that has been effective in the past. Because I  
42 can tell you as a County Council person, when someone comes to us and says we have  
43 already programmed this and therefore you must give us the money, that's not a very  
44 effective tactic from my perspective as someone who appropriates dollars. So I don't no



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1 why it would be effective with the federal government. The federal government will  
2 award grants based on merit and based the appropriateness of the program; the fact  
3 that someone is counting on the money and therefore you have to give it to us, I don't  
4 find a very strong rationale.

5  
6 President Praisner,  
7 It's usually local money that they're asking for and this isn't local money. So let's move  
8 on.

9  
10 Councilmember Berliner,  
11 We're about ready to move on. We're almost ready to go to expenditures in other  
12 budgets but I know that my colleague, Mr. Knapp, would care to make some comments.

13  
14 Vice President Knapp,  
15 Just a question I wanted to ask as it relates to library funding in particular. And we all  
16 love libraries, libraries are highly visible in the county. And I was sitting next to the  
17 Executive when he stood up at Germantown and said he was going to propose all of  
18 these various initiatives and got a boisterous cheer from those in attendance. The  
19 question I have and I'm not sure if it's for Parker or for Beryl; so we have expanding  
20 Sunday hours. We keep hearing from the Executive that next year is going to be a  
21 difficult year; it's tough for us to achieve a lot of different objectives; and so by  
22 expanding Sunday hours this year, I know in years passed, reduction in certain hours in  
23 the library has been something that executives have looked to. And so I guess the  
24 question I have is has the conversation occurred that by doing it now kind of irrespective  
25 of what we're looking at next year, that we kind of -- we're off the table. We are not  
26 looking at reducing Sunday hours next because you've kind of -- by increasing it, you've  
27 increased the visibility. I'm struggling with something that's high profile as this while at  
28 the same time I keep hearing how difficult it is going to be next year so we need to take  
29 a very measured approach for something this high profile. So I just wanted to see if that  
30 conversation occurred in the course of the budget development and deliberation.

31  
32 Ms. Feinberg,  
33 Mr. Knapp, I don't believe that conversation did take place. However, at the dollar cost  
34 for this particular addition of Sunday hours, it is not a high-dollar amount. And I would  
35 envision that it would be sustained in the future years.

36  
37 Vice President Knapp,  
38 Okay. I just wanted to get that out there so we had that conversation on the record.  
39 Thank you.

40  
41 Councilmember Berliner,  
42 We are now at issue number 13, moving right along at Facility Maintenance Dollars,  
43 \$540,000 just to keep our libraries in the shape they need to be in. With respect to  
44 updates, only free libraries -- free parking seems to be as controversial as unruly





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1 teenagers, but I think we can defer this conversation for another time. We have  
2 approved a supplemental or about to approve a supplemental that will preserve our  
3 ability to reexamine this issue at a future point in time this year. And basically unless  
4 staff has any other suggestions as to things we need to take up, I think we have done  
5 this packet.

6  
7 President Praisner,

8 Yeah. Thank you very much. Thank you. And you want to go to the CIP.

9  
10 Councilmember Berliner,

11 Now we'll go to the CIP. And if I could ask staff if you will to walk us through anything  
12 that you think we need to speak to. I know that there are some of my colleagues who  
13 are concerned particularly with respect to the Gaithersburg Library. There may not be  
14 any other controversial items with respect to this packet. Am I correct that we are really  
15 -- it's Gaithersburg that we need to talk about?

16  
17 Ms. Davidson,

18 Well in the recent development with the (inaudible).

19  
20 President Praisner,

21 Minna, Is your mic on? It is hard to hear.

22  
23 Councilmember Berliner,

24 In the recent development with respect to Silver Spring --.

25  
26 Ms. Davidson,

27 With the Silver Spring Library, with the Purple Line stop that is very preliminarily being  
28 considered at the same site.

29  
30 Councilmember Berliner,

31 Why don't we take up that first since we might be able to get rid of that sooner as  
32 opposed to the Gaithersburg might be a longer conversation. Would you care to begin  
33 us in that conversation or turn to those in front of us so they can explain that situation?

34  
35 Ms. Davidson,

36 The Silver Spring Library is before the Council today because the Executive has  
37 proposed an amendment to the CIP project and the amendment would move \$1 million  
38 from FY09 to FY10. It is for fiscal capacity reasons only. The amendment itself would  
39 not delay the Silver Spring Library project but the County is in the process of acquiring  
40 land and that's run into a little bit of delay, and so for that reason the project may be  
41 delayed. As the committee was discussing that issue, DPWT staff also mentioned that  
42 they had heard recently that the State Department of Transportation is considering the  
43 intersection where the library site is as a possible place for a Purple Line stop, and I



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1 think that's a very preliminary consideration at this point. But I thought that the Council  
2 might want to get an update from the DPWT staff.

3  
4 Mr. Johnston,  
5 Bruce Johnston of DPWT Division of Capital Development. Yes, that's correct. We have  
6 met with MTA about their plans on the Purple Line, and I think that I can say that it  
7 appears that probably their favorite route at this point would be a route that would come  
8 through the library site.

9  
10 Councilmember Berliner,  
11 Through or next to -- .

12  
13 Mr. Johnston,  
14 Through the library site.

15  
16 Councilmember Berliner,  
17 Through the library site.

18  
19 Mr. Johnston,  
20 We are -- now that creates some interesting possibilities.

21  
22 Councilmember Berliner,  
23 Yeah.

24  
25 Mr. Johnston,  
26 And it kind of (inaudible).

27  
28 Councilmember Berliner,  
29 I certainly want to read (inaudible).

30  
31 Mr. Johnston,  
32 If you look on the back of your packet, the very, very last page shows the arrangement  
33 where you going to have the top fit in the right side (inaudible) to the bottom, the kind of  
34 grayish blocks are the property that we are acquiring. And by the way we have acquired  
35 three of the seven properties and we have a contract on the fourth. And this shows the  
36 alignment that is being looked at. It shows a station on the property. That particular  
37 exhibit shows an architect's impression of what could be built around that. We are  
38 again, we have just gotten this information. We have had yet to really analyze it and  
39 move forward but we are -- it is in our thinking process. And again, it impacts the site  
40 significantly. If a joint development were to occur or something like that, some kind of a  
41 high-rise structure could go over that, but building at this point when it is a future project  
42 makes it a little bit problematic.

43  
44 Councilmember Berliner,





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1 At this point in time, we have no action item that relates to this. This is an update with  
2 respect to this. Is that correct?

3  
4 Ms. Davidson,  
5 The action item is just to approve of the shift of the \$1 million. There is no action related  
6 otherwise to the Purple Line stop.

7  
8 Councilmember Berliner,  
9 That's correct. Chairman Leventhal.

10  
11 Councilmember Leventhal,  
12 I would just point out to help people visualize this, the Purple Line goes under  
13 Wisconsin Avenue in Bethesda and there are buildings on both the east side and west  
14 side over top of it. So it wouldn't by any means be unique once the Purple Line is up  
15 and running.

16  
17 President Praisner,  
18 The question is just underground or above ground or what construction challenges that  
19 it would present. We have lots of lights. Councilmember Ervin first.

20  
21 Councilmember Ervin,  
22 I'd like to speak to that. I've had a few meetings with MTA about the possibilities of  
23 another alignment. They took the Sligo Avenue alignment off. And so the alignment that  
24 they are looking at takes the Purple Line from the station across Bonifant, and it is  
25 interesting because originally they didn't want to have any stops in Silver Springs. So it  
26 was supposed to be, you know, directly across through Silver Spring with no stops. And  
27 so now it makes more sense that people in the community would like to have a stop in  
28 Silver Spring. So I think this is far from being a finished concept although it does look at  
29 the library site as a possible stop. How the architect would redraw what the library might  
30 look like is going to be interesting because I think it is going to be at grade. Someone  
31 just asked me if it was going to be underground and it is not, it is going to be at grade  
32 through Bonifant -- somehow through the library site or around the library site to get to  
33 Wayne Avenue. I just wanted to correct you. It is not a preferred -- I wouldn't say it is  
34 preferred right now but it is another place for us to look. So I just wanted to state that it's  
35 at grade somewhere on that library site or around the library site there will be a stop  
36 hopefully.

37  
38 President Praisner,  
39 And that's very helpful. Councilmember Floreen.

40  
41 Councilmember Floreen,  
42 Actually I'm waiting to talk about Gaithersburg.

43  
44 President Praisner,



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1 All right. And I assume Councilmember Knapp is waiting for Gaithersburg?

2  
3 Vice President Knapp,  
4 No, no.

5  
6 President Praisner,  
7 No, this one. You're taking a cut on each; go ahead.

8  
9 Vice President Knapp,  
10 Thanks.

11  
12 President Praisner,  
13 A crack, I should say.

14  
15 Vice President Knapp,  
16 A crack, yes, I got it. I want to understand actually some of the fiscal elements  
17 associated with this because while we're doing the land acquisition and we're using that  
18 -- we're using -- CIP resources do that, so I'm assuming our bond capacity. Do we have  
19 a schedule as to the payback for that and does that -- is that schedule in such a way  
20 that that effectively kind of like with ALARF, replenishes our ability to bond in the out  
21 years; or does that just go back to the (inaudible) work in such a way that we just get  
22 and it goes in the general fund and it's just an addition to the general fund.

23  
24 President Praisner,  
25 Who is prepared to answer that question? OMB?

26  
27 Ms. Carter,  
28 I may not be able to answer it fully but I'll do my best. With respect to the land  
29 acquisition, that is -- .

30  
31 President Praisner,  
32 Did you introduce yourself?

33  
34 Ms. Carter,  
35 Jacqueline Carter, R&D. With respect to the land acquisition, that is something we do  
36 flow through ALARF but that is just a revolving fund so that we -- we just replenish the  
37 fund with the appropriation from the project. With respect to any revenues or proceeds,  
38 any other proceeds, that tends to be separately accounted for and possibly could be  
39 used to fund projects. I don't have the specifics.

40  
41 Vice President Knapp,  
42 We don't have a schedule for that so that doesn't factor in anything so it doesn't build us  
43 additional capacity in the four, five or six. (Inaudible) CIP or anything like that. It just at



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1 this point is just the \$11 or \$12 million that's in there. We got it for land acquisition and  
2 we -- even thought we make it -- .

3  
4 Ms. Carter,  
5 Right.

6  
7 Vice President Knapp,  
8 Okay. Just wanted to check.

9  
10 President Praisner,  
11 Okay. Further questions on the Silver Spring or do you want to go back to that Nancy,  
12 go ahead?

13  
14 Councilmember Floreen,  
15 I would like to comment because really on that point. If the library site -- I'll just make the  
16 point. We have done this with the Silver Spring Trail in delaying programming of dollars  
17 because of the uncertainty associated with the Purple Line. So you've got \$11 million in  
18 '07; right? For land acquisition?

19  
20 Unidentified,  
21 Yes.

22  
23 Councilmember Floreen,  
24 You're obviously not going to spend that in the next six weeks. Would that be a fair  
25 statement?

26  
27 Ms. Carter,  
28 I believe that is already replenishment for land that's been purchased; is it not, Bruce. I  
29 think it is replenishment of land that's already been purchased.

30  
31 Mr. Johnston,  
32 I don't know the answer to that. Whatever has been spent on the three parcels to date  
33 obviously has been spent. I doubt that we would be -- we may close on the one  
34 additional parcel during this year but anything beyond that would be -- beyond that.

35  
36 Councilmember Floreen,  
37 But is this ALARF or this for purchasing?

38  
39 Councilmember Floreen  
40 Take a look at that if you would.

41  
42 Councilmember Floreen,  
43 Okay. Thank you.



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1 President Praisner,  
2 But remember, we had a conversation the other day about replenishing ALARF and  
3 then needing to do so to be able to purchase other properties. So this may be ALARF  
4 replacement for already for things purchased. That's what we need to check. Okay.  
5 Anything now on the Gaithersburg Library (inaudible). Questions? Councilmember  
6 Floreen?

7  
8 Councilmember Floreen,  
9 Yes, I appreciate the explanation of the packet that addresses the situation with  
10 Gaithersburg. I'm really concerned about the lack of predictability for the program of  
11 requirements for the library. Tell me exactly when you expect to have that updated.  
12

13 Ms. Hamilton,  
14 We're meeting with the Gaithersburg committee -- the Library Advisory Committee on  
15 May 24. We have done some preliminary work. We need some additional input and  
16 feedback from them in terms of what they desire in that space. At that point in time  
17 we've got -- .  
18

19 Councilmember Floreen,  
20 No. But that's assuming the space will stay the same, isn't it?  
21

22 Ms. Hamilton,  
23 We do not believe that the space will probably stay the same based on what we've  
24 heard thus far from the community and the agency manager. And so what we've been  
25 doing recently is measuring, looking at programs that add shelf needs and everything,  
26 and based on that preliminary discussion, we believe that there is a need to amend the  
27 POR.  
28

29 Councilmember Floreen,  
30 Well, again, that's really very unclear to me as a response. From what I've heard and  
31 from what I understand, this is our most heavily used library as I recall in the entire  
32 county. It has inadequate space as it is. The proposal was to renovate that space but  
33 the real question is should another floor be added? Are there significant alterations to  
34 the current plan that need to be considered? And I would like to have some answers on  
35 that in the next couple of months because I personally think what's proposed is  
36 insufficient. And I'm not talking about, you know, different kinds of shelves or how you  
37 use the interior space as proposed that's updated. But looking at significant additions to  
38 that library, which I admit would affect the design effort and the timing effort in the CIP.  
39 But I would like to propose that we establish a schedule for response on the details of a  
40 program of requirements that be brought back to us so we can look at it in context with  
41 an eye toward revising the CIP at that point as necessary to accommodate that kind of  
42 design work. The other approach would be to take it out and then put it back in, but I  
43 think that's -- puts the library at a disadvantage in terms of its location within the CIP. So



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1 I would -- when do you think that you will be in a position to tell the Council what you  
2 think the program of requirements should be?

3  
4 Ms. Hamilton,

5 Our current plan is to meet with community and then we have scheduled to meet with  
6 the architect. At that point in time, we'll pass all of that information on in terms of needs  
7 as identified by the community, needs as identified by the library, and at that point in  
8 time I hope we'll get a schedule that we can come back and say we'll have it completed  
9 in two months or whatever.

10  
11 Councilmember Floreen,  
12 You think it may be July?

13  
14 Ms. Hamilton,  
15 I specifically can't (inaudible). I think we can do something in July.

16  
17 Councilmember Floreen,  
18 I would propose that we amend the PDF to include language that would direct the  
19 library to bring back to the Council recommendations for a revised, I guess, Program of  
20 Requirements that, uh, with the anticipation that that may affect the CIP schedule for  
21 this.

22  
23 President Praisner,  
24 Well, why don't we put a statement in that says the Council has requested a review of  
25 the Program of Requirements, I think, which may have an affect on the amount and the  
26 schedule of this project.

27  
28 Councilmember Floreen,  
29 Yes. And I would add a date in July '07.

30  
31 President Praisner,  
32 Well given our schedule in July, let's say before the end of this coming -- by December  
33 or September or so, because I'm worried about the Council being able to review and  
34 discuss this given everything else we have in July.

35  
36 Councilmember Floreen,  
37 Well I really would like to have them have a deadline.

38  
39 President Praisner,  
40 (Inaudible).

41  
42 Councilmember Floreen,  
43 We do it as a different matter (inaudible).



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1 President Praisner,

2 They can represent it but I don't know. But my question is, uh, Bruce, you indicated that  
3 July you think you can have it. I want to make sure (inaudible) and others also have that  
4 view from the work -- where we are as far as the work schedule. End of July? July  
5 sometime? My concern relates not just to the Program of Requirements. I think Program  
6 of Requirements are wonderful because they allow the community to dream and also  
7 the department to identify everything they would like to do. Sometimes when they do  
8 that, whether it is a school project or a rec center or a library facility, we are not  
9 necessarily understanding the limitations of the topography or the geography of the site,  
10 which may have an affect on the solutions that facilities comes back and says is doable  
11 or not. So there has to be some back and forth in this. That's why I want to make sure  
12 they have enough time to go back and forth.

13  
14 Councilmember Floreen,

15 And if I may say, at least we would have in July a first cut at this appreciating that there  
16 may be more thinking to be done and further conversations. But I think if we -- that  
17 would help focus their attention towards the product and results of the necessary  
18 conversations they need to have, and then we could work with them to work from that  
19 point on.

20  
21 Mr. Johnston,

22 Well, I thank you, Ms. Praisner, for kind of clarifying this, but really it kind of depends on  
23 the input that we get from the community and how much we want to change. We believe  
24 that we can have a POR ready by then; and not that it would be fully approved by  
25 everybody, but a draft POR that we can present to the Council as this would identify the  
26 thinking of the community and public libraries.

27  
28 Councilmember Floreen,

29 Right. And that's the idea. I appreciate that this project -- there is a need for more  
30 conversation and as I said, I personally have a point of view about where it should be,  
31 but I think we need everyone's engagement in the revision process in a more  
32 predictable way than seems to be outlined here. Not being critical, I just like to have  
33 some certainty as to when we could see something and we will take it up whenever we  
34 can take it up and then revisit the CIP as necessary.

35  
36 President Praisner,

37 Thank you. Based on any objections, we'll work on language for the CIP PDF. You  
38 wanted to comment on that item?

39  
40 Ms. Hamilton,

41 I just say based on the work that we have done, we believe that coming forth in July, we  
42 can complete the work. We can complete the work. We've done some work in the past.

43  
44 President Praisner,



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1 We need to know at that point what stage the facility pieces, not just the department  
2 piece. Councilmember Andrews.

3  
4 Councilmember Andrews,

5 Thank you. Well I strongly support this reevaluation of the POR. Because if you look at  
6 the CIP what it says is that for this \$13 million cost, you would have a renovation of the  
7 library, updated HVAC and rest rooms, and only a 1500-square-foot addition, which is  
8 less than the size of this room. All right? And this is the busiest library in the county with  
9 -- overall, and at least until recently for children's material as well. It is simply a way --  
10 the program requirements are simply inadequate for what it needs to be. And the  
11 addition would be less than 5% of the current space to the library. So for \$13 million  
12 people are going to expect -- \$13 million on that would be a grave disappointment to I  
13 think everybody just about who saw the result. That's why what is driving this is the  
14 need for more space to serve an extremely busy and overcrowded library. And I think  
15 there is a general acknowledgement now in the library department as well as with the  
16 community that it is not where it needs to be. I saw in the packet that there is a plan  
17 meeting May 24, between the department and the library advisory committee of  
18 Gaithersburg Library, so I'm glad to see that. And I think that it is important for the  
19 department to come back as soon as feasible with a new Program of Requirements.

20  
21 President Praisner,

22 I guess I would take another take as well though because we do and are in the middle  
23 of the next generation of planning for libraries and the question of why that library is  
24 used as heavily as it is I think is a piece of the geography of where it is physically  
25 located. It is easy off of 270, et cetera, so folks who might use other libraries use that -- I  
26 haven't seen data but I would be surprised that you have a service area that's larger if  
27 you look at the residents versus the other libraries where folks tend to go to the closest  
28 one where they live perhaps. In which case I think it raises questions about access  
29 issues that are broader than this facility. And relate to where we go with library service  
30 and the location of that library. I also think it is interesting, it appeared to me that  
31 circulation is relatively flat as far as an increase (inaudible) so our population is  
32 increasing but circulation -- and that may be a materials issue or people have access to  
33 books in different ways, but it is also, I think, perhaps the precursor of looking at the  
34 definition of libraries and how they are used and what they are used for. There is a lot of  
35 greater competition in some ways for some of the services and there are a lot of things  
36 that I think point to this next strategic plan being very different from ones we have seen  
37 in the past. Parker.

38  
39 Ms. Hamilton,

40 Yeah. Thank you very much. I think Mr. Berliner talked about it earlier. You know, the  
41 role of libraries in communities has changed. And I think as we look at our buildings and  
42 look at what we put into our buildings, we need to address the reality of how people are  
43 using libraries. As librarians we do form a concept of how libraries are but in reality, the  
44 communities have helped us define how libraries are, and that's going to dictate how





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1 our buildings are going to look. And many libraries we are building places for young  
2 adults, and so that goes back to the conversation we had earlier. So this is a very  
3 critical, important time in terms of building libraries and looking at library services in the  
4 county.

5  
6 President Praisner,  
7 Okay, I don't think there are any other lights, so Councilmember Berliner, can we move  
8 on to Arts and Humanities Council.

9  
10 Councilmember Berliner,  
11 I think we've done this item. And thank you all very much for your participation. And we  
12 can in fact move on.

13  
14 Unidentified,  
15 You thought it was going to be easy.

16  
17 Councilmember Berliner,  
18 I did. Every day I learn.

19  
20 President Praisner,  
21 Folks here at the table could -- is anyone going to ask Teresa to join us at the table I  
22 assume. Roger?

23  
24 Councilmember Berliner,  
25 Yes, I will.

26  
27 President Praisner,  
28 Okay, so we can start.

29  
30 Councilmember Berliner,  
31 I would appreciate it if the representatives of the Arts Community that are here with us  
32 today that plan on being available for questions.

33  
34 President Praisner,  
35 All right. Theresa. Introduce yourself, please.

36  
37 Ms. Cameron,  
38 Good morning. I'm Teresa Cameron. I'm CEO of the Arts and Humanities Council of  
39 Montgomery County.

40  
41 Mr. Wolfsheimer,  
42 I'm Ron Wolfsheimer. I'm president of the Arts and Humanities Council.

43  
44 President Praisner,





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1 Welcome. Roger, back to you.

2  
3 Councilmember Berliner,

4 Thank you. Again I think -- well I said the last one was good news but basically it was  
5 good news. We had some minor questions. This is another good news story and it really  
6 is a good news story in large measure as a result of the last Council and under the  
7 leadership of Chairman Leventhal. With respect to seeking a fundamental restructuring  
8 of how the Council deals with the arts community and grant requests, and to seek to  
9 minimize individual members of the Arts and Humanities community knocking on our  
10 door and asking us to judge the merits of their particular projects. And instead looking to  
11 the arts community itself to be the entity that would determine the validity and the  
12 strength of particular proposals and organizations, as well as working out among  
13 themselves how our incredible arts community will be supported by County dollars. And  
14 it is something that appears to have worked very well and I think we all owe a great deal  
15 of gratitude to Chairman Leventhal with respect to that, as well as well as to the people  
16 before us. Because they made it work. So we have a pretty good story here and while  
17 the strategic plan that was developed asked for 8% in terms of operating revenues and  
18 the County Executive slashed that to the bone by going to 7%, I think the arts  
19 community is extremely gratified with that level of support and certainly the committee  
20 embraced that funding level and that level of support. If the Chairman would care to  
21 speak more with respect to the larger vision that's been achieved here before we move  
22 to the particulars, I would be happy to have you.

23  
24 Councilmember Leventhal,

25 Well I do think we are headed in a good direction and I appreciate the support of the  
26 Council. It had been difficult in the past I think to treat fairly all applicants for arts  
27 funding, and I had been concerned in the past that there had been a lack of objectivity  
28 in the way those funds were awarded so I think we are on the road to a much better  
29 system. I appreciate your good work, Mr. Berliner, and I really want to commend Teresa  
30 Cameron and Ron Wolfsheimer and all the members of the Arts and Humanities  
31 council. We are placing substantially increased responsibilities on that body and I just  
32 want to recognize them because I think they are -- they are justifying our confidence in  
33 them.

34  
35 President Praisner,

36 Okay, Councilmember Berliner.

37  
38 Councilmember Berliner,

39 One, let me just see if, Teresa, if you or Ron would care to make any comments  
40 yourself before we get into the details with respect to the larger question.

41  
42 Ms. Cameron,

43 I would just like to make a couple comments. One is to thank the Arts and Humanities  
44 community and Mr. Leventhal and Mr. Berliner and Duchy for all their hard work in



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1 helping us move this forward. The Arts and Humanities community worked hard  
2 collaboratively on this process from our teeny institutions to our very large wonderful  
3 institutions. I think the new funding categories that we have put together are really  
4 exciting and I want to invite you on May 22, Strathmore has graciously allowed us to  
5 use their Comcast lounge to announce our new grant program for individual artists  
6 called Creative Projects grants. It is really going to be remarkable in the region and  
7 allow our individual artists and small organizations to collaborate. We also have  
8 launched our other two grant programs and already received applications. Peer Review  
9 Panels will start. I remind everyone our Peer Review Panels are open to the public. We  
10 have people who do attend. And so we're happy to have anyone join us at any time for  
11 our processes. I know you got this giant long packet but I think it is important to read  
12 about the grants that we have given in the past and in breadth in depth because we just  
13 have an amazing Arts and Humanities Community here, and we continue to move  
14 forward. I'll point out that on Circle 47 is really our cover memo. It talks more about what  
15 we did to get funding for this year and what we did not related to the strategic plan. And  
16 I think most importantly the second phase of our planning process is looking at private  
17 giving to the Arts and Humanities, because we know the County cannot do it all  
18 government-wide, and we need to take a really good look at private giving where we  
19 are, what are some substantial recommendations that we can make to the field, our arts  
20 and humanities field to help them stimulate private giving. So that hopefully will be  
21 completed in June or July and we'll be coming back to the Council to talk to you about  
22 that. Because we do think that we need to have a better partnership and I know Ms.  
23 Floreen has pointed this out a lot with the private sector. And I think there is a lot of  
24 opportunity here. So I look forward to talking to you about that.

25  
26 Councilmember Berliner,

27 Thank you. This is one member that looks forward to that stage two of your strategic  
28 plan because it is where we can make some significant inroads and significant growth in  
29 our funding of the arts community. The packet before you with respect to the Arts and  
30 Humanities Council basically breaks us down in terms of operating support, grants to  
31 small- and mid-sized organizations, administration and public arts trust maintenance.  
32 The operating support as I alluded to is at 7%. It is something that the Arts and  
33 Humanities Council is pleased with, and unless there is objection from my colleagues,  
34 we would embrace that.

35  
36 President Praisner,

37 I have a question about -- not sitting on the HHS Committee anymore, I'm certainly  
38 supportive of where we're going, but I'm wondering as we have evolved and developed  
39 as organizations, we are very different types of organizations and very different of  
40 applications. I'm wondering how the Arts and Humanities Council is going to take into  
41 consideration for-profit presence in our community versus nonprofit presence, and how  
42 you're going to take into consideration the extent to which facilities may be used and  
43 revenue may be shown as being revenue for an organization but it is actually a pass  
44 through from a for-profit perspective. That's one. And my second question is I believe



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1 we need a better calculation, and I'm very happy to have the Arts and Humanities  
2 Council help with this; but I very much think we need to show the extent to which  
3 organizations receive support because they are physically located in county buildings  
4 versus those that are on their own so to speak. And I'm not meaning that from a  
5 standpoint of differentiating in any way. I want to be able to calculate the financial  
6 support that the County provides or is not necessary because a structure was funded in  
7 whatever part and the structure continues as a County structure. So for example, there  
8 are utilities perhaps that are minimized as costs or maintenance or repair that are  
9 minimized as costs. It would be helpful to document that just like we try to document in  
10 other areas the support for affordable housing that is recognized by not having to pay  
11 property taxes at the level that a residence would be. It would be helpful to have an  
12 accounting of the County's commitment to arts that is a function of those kind of efforts.  
13 So I would like the Council to think about how we might do that in a report to the public  
14 on an annual or maybe semiannual basis, but in some way to report to the County not  
15 just an ongoing appropriated funding, but that ongoing support to the arts that is private  
16 sector support -- public sector support. Especially because you're going to start to work  
17 aggressively in the areas that I think we have talked about in the past we need to, which  
18 is greater private sector support and it would be helpful for us to be able to show that  
19 this is what the County is doing and that's why we're asking for this kind of initiative.  
20 Okay? Thank you.

21  
22 Ms. Cameron,  
23 One comment related to that.

24  
25 Councilmember Berliner,  
26 Are there any other -- .

27  
28 President Praisner,  
29 Yes, Councilmember -- .

30  
31 Ms. Cameron,  
32 Related to nonprofit. Right now we only fund nonprofit Arts and Humanities  
33 organizations. We do not fund for-profit institutions.

34  
35 President Praisner,  
36 No I understand that. But there are entities that may very well be nonprofits who have  
37 relationships with for-profits where that funding may be a pass through and show up in  
38 their revenue as income where they may or may not be income to that organization  
39 actually. And when you capture only income to the organization, you don't separate the  
40 two. Okay? Thank you. I don't see any other lights so you may continue.

41  
42 Councilmember Berliner,



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1 Thank you, Madam President. And again if there are no further questions with the  
2 respect to the operating support, we will move on to the grants. Go ahead. Mr. Andrews  
3 does have a question.

4  
5 Councilmember Andrews,  
6 Thank you. Appreciate the hard work of the committee. I just want to recuse myself on  
7 the -- actually on the grants; never mind. Go back.

8  
9 Councilmember Berliner,  
10 Okay, we're good. All right. Moving right along to the grants and small -- grants to small-  
11 and mid-sized organizations. Again this is a new aspect of our strategic plan that has  
12 been implemented here. It is \$500,000 that the County Executive has proposed  
13 consistent with the desire of the Arts and Humanities Council, and unless there is any  
14 questions with respect to that.

15  
16 President Praisner,  
17 I would just transfer all the comments that I made on the operating support to also the  
18 grant support issues. I think they are also applicable there as well. Okay? Thank you.

19  
20 Councilmember Berliner,  
21 The third item is salaries. There the Executive has proposed \$293,000 for salary  
22 adjustments. We have adopted that number. The Arts and Humanities Council has  
23 asked us if we would consider funding a little more in order to bring greater parity. An  
24 issue which of course cuts across all of our nonprofit community, and the committee  
25 agreed to put on the reconciliation list in two different (inaudible) \$75,000 that would  
26 achieve that purpose.

27  
28 Councilmember Leventhal,  
29 I would like to speak to that briefly.

30  
31 Councilmember Berliner,  
32 Yes.

33  
34 Councilmember Leventhal,  
35 And particularly for the Council President's benefit. We -- the history here is that we  
36 have moved from having a small outside nonprofit that coordinated activities in the  
37 community and provided advance -- provided information and assistance and advice to  
38 arts organizations and administered a small grant fund. We have moved from that to  
39 what is now in effect a real county agency, which is what is -- well let me clarify that. It is  
40 specified in statute as our County agency for Arts and Humanities, but for good reasons  
41 we have established it as an outside nonprofit. It is not in fact a government agency. It is  
42 an independent 501C3. But the responsibilities that we've placed on this agency are  
43 greatly more significant, and the need to coordinate among all of the different arts  
44 organizations, find out all of their needs, compile all of those needs in a single budget,



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1 present that budget to the County Executive and ultimately to us, is I really do want my  
2 colleagues to recognize a major increase in job responsibilities for the Arts and  
3 Humanities Council executive director and staff. Over the years the HHS Committee  
4 has in very small amounts and incrementally improved the working conditions and  
5 benefits and pay but in very small form. And what I'm asking -- and I don want to do this  
6 on television. I'm asking Minna to get the salary data and share it with colleagues. But I  
7 think my colleagues would be quite surprised at the salary levels that the AHC the staff  
8 is getting now given the responsibilities that they have had and the significantly  
9 increased responsibility that we've placed on them. So I just wanted to highlight that for  
10 my colleagues.

11  
12 President Praisner,  
13 Councilmember Knapp.

14  
15 Vice President Knapp,  
16 Thank you, Madam President. I very much appreciate the Chair's comments and I think  
17 it is something we need to look at very closely because I think we need -- and not only  
18 for the Arts and Humanities Council but for a lot of organizations that do the County's  
19 work. And I ask this question, it came up in one of our Public Safety Committee  
20 deliberations, and I'm not even sure who on our staff is the right person to have do this,  
21 but I would like to get a sense from our staff as to how many different organizations that  
22 we have that are either contracting with or working on behalf of the County like Arts and  
23 Humanities Council and get some sense as to how the salaries are adjusted in the  
24 course of those relationships in any given year. It is unclear to me and we have different  
25 deliberations where they come in where some are indexed, some have cost of living  
26 increases, some have different contracts and rarely get cost of living, and so it's a great  
27 downward pressure on the employees, and it's difficult sometimes to recruit and retain  
28 staff. And I've never gotten a good sense of how many different types of organizations  
29 that relates to or if there is any kind of singular policy in which we approach this from a  
30 County perspective. And I know Mr. Farber goes through the personnel complement but  
31 to the extent -- .

32  
33 Unidentified,  
34 (Inaudible).

35  
36 Vice President Knapp,  
37 And this doesn't fit into the personnel complement, but the extent that there is a lot of  
38 people who are doing work on behalf of the County who are not county employees. I  
39 think it's important for us to get an understanding of how many of those kind of fall  
40 within a regular adjustment schedule versus how many of those do not, so we have a  
41 better sense of where that impacts what programs we're looking at.

42  
43 President Praisner,



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1 I think that's a very good question that probably crosses across all of the committees  
2 and is related to some extent with the conversations we have had and will continue to  
3 have jointly - MFP and HHS. But they're not exclusively those; and relate to some  
4 efforts especially when we get to HHS's discussions of relationships with nonprofits at a  
5 contractual versus relationship that are grants -- start as grants and then become  
6 contractual. Those that are embedded, those that are not, and how often they are  
7 reviewed if at all for inflation adjustments. We don't set -- and this is my only concern  
8 with this way we are phrasing this. We do not make determinations of what will the --  
9 the salaries will be for nonprofits. We can provide additional funding, and those  
10 personnel decisions are the responsibilities and policies of the nonprofits. So you can't  
11 automatically say if we provide additional inflation adjustment funds that we are  
12 increasing every salary X percent.

13  
14 Vice President Knapp,  
15 Right.

16  
17 President Praisner,  
18 And I think we have to be very careful about creating not only that impression but taking  
19 that action as it relates to nonprofits. They have boards of directors who have the  
20 authority and responsibility to set whatever salary levels to create whatever  
21 accountability and requirements there may be and that's -- whether they are nonprofit,  
22 quasi governmental or pure nonprofit or for-profit, we don't deal with the dollars that are  
23 being given to any specific employee, and it becomes more awkward obviously with  
24 Arts and Humanities Council maybe come awkward -- equally awkward with the  
25 Collaboration Council or any of those entities. But I think we need to look at that issue  
26 separate and -- within but separate from the other issues that we've talked about.

27  
28 Vice President Knapp,  
29 I would be careful because I'm not saying that we should do anything -- I just want to  
30 understand what the general approach has been because depending on upon which  
31 committee or which discussion we have, there appears to be a different approach from  
32 the humane society to the -- it doesn't make a difference. So I just want to understand  
33 what it is and then we can have a conversation about if we think should do something  
34 any differently.

35  
36 President Praisner,  
37 George, you wanted to comment as well.

38  
39 Councilmember Leventhal,  
40 I would like to discuss offline with the Council Vice President what he's looking at. I  
41 would just slightly amend what the Council President said. The Arts and Humanities  
42 Council and the Primary Care Coalition similarly comes to mind. They both have made  
43 policy judgment; their boards have made policy judgment, not themselves to pursue  
44 outside funding because they are a clearinghouse and an umbrella for funding other





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1 nonprofits. So if the Arts and Humanities Council itself were substantially to try to  
2 augment its own budget through private fund raising, they would encounter resistance  
3 and have encountered resistance from the other the other distinguished arts and  
4 humanities entities that are out here in the audience. So unlike, you know, so  
5 Roundhouse Theater and Olney Theater are not the same as the Arts and Humanities  
6 Council. So when we say that the board of an independent entity like Olney Theater  
7 determines the salary of the staff of Olney Theater, that's true but Olney Theater was  
8 not created by Montgomery County. The Arts and Humanities Council was created by  
9 Montgomery County and the only fund they have for administrative expenses are those  
10 funds that we appropriate.

11  
12 President Praisner,

13 But my only point is you may increase the administrative expenses to allow them to  
14 raise the salaries; you are not specifically setting the salaries and making that  
15 determination. That may be semantics but it is a very important point. The board  
16 decides whether every employee gets the same increase or how that increase. I don't  
17 have any problem with supporting administrative assistance if we decide as an overall  
18 policy that there are certain agencies or entities that we want to do that, but in no case  
19 are we saying so and so gets an X percent increase. We're giving administrative  
20 support. Some of that might wind up being rent and not salary. It's the board's entity that  
21 does that. Just want to be clear because I've heard us sometimes say we're giving a  
22 nonprofit X amount of money to increase their salaries, and we're not doing that. We'll  
23 allow them to do that but we are not making the salary determination. Okay. I don't see  
24 any other lights or any other questions.

25  
26 Councilmember Berliner,

27 Let me amend my characterization of what's been put on the reconciliation to  
28 acknowledge that there was an additional \$25,000 requested to assist in the strategic  
29 plan, and we have put that on the reconciliation list as well. So there are three items on  
30 the reconciliation -- or three blocks of dollars on the reconciliation list; two related to  
31 salary parody and one related to the desire to assist in the funding with respect to the  
32 phase two of the strategic plan related to private giving.

33  
34 Vice President Knapp,

35 So that wasn't recommended at all in the Executive's budget, so we added additional  
36 resources?

37  
38 Councilmember Berliner,

39 We are put on the reconciliation list.

40  
41 Vice President Knapp,

42 Right, right. But it wasn't funded we're not supplementing something.

43  
44 Councilmember Berliner,



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1 (Inaudible).

2  
3 Ms. Cameron,

4 It was strategic planning solely ourselves because we felt it was so important to do it.

5  
6 Councilmember Berliner,

7 Finally we have a very big dollar item of \$10,000 as it relates to the maintenance of  
8 public art. This is something that we may want to examine whether it is appropriate or  
9 not for this organization to be doing it, but our judgment at this point in time is that it  
10 probably is and that these dollars are appropriate and we would so recommend it.

11  
12 President Praisner,

13 I can remind my colleagues that it's a lot better having them look them look at public art  
14 than having nine councilmembers have to vote if the fountain or the art sculpture, and  
15 that's exactly what we did when I first came here.

16  
17 Councilmember Berliner,

18 It wasn't Public Works. I thought it was public works that had this one.

19  
20 President Praisner,

21 No. We did it. Council voted on it. So it was Save the Green Frog one year as Peggy  
22 Erickson will remember and Fran as well. Councilmember Knapp.

23  
24 Vice President Knapp,

25 Are we going to touch these pieces?

26  
27 Councilmember Berliner,

28 Yes. Now we go to those pieces. Now we're turning the page to page six, going to those  
29 earmarks that have been recommended by the County Executive that are outside of this  
30 process, and I believe contemplate the process that we have just described. They relate  
31 to AFI for a half million dollars. Again are sort of historic commitment to them as a  
32 function of their investing in our community if you will. The Heritage Tourism Alliance for  
33 \$100,000, which was again the County Executive's recommendation and Council -- the  
34 committee embraced it, and finally Imagination Stage is a function of their rather unique  
35 situation arising from the delays in their building and the additional debt that they have  
36 been asked to pay as a function of those delays that have severely handicapped that  
37 organization. With respect to that final item, I would note that we have put on the  
38 reconciliation list an additional \$200,000 to assist them in being able to function in light  
39 of that significant debt. So those are the three items before us, and unless there's  
40 conversation with respect to those three.

41  
42 Councilmember Leventhal,

43 I just want to comment very briefly on the AFI. People's memories are short and it's very  
44 easy to take things for granted. Silver Spring now doesn't resemble at all Silver Spring





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1 five or six years ago and yet people forget what Silver Spring was like five or six years  
2 ago and the limited opportunities there were for shopping, dining, you know, the quality  
3 of life in downtown Silver Spring five or six years ago. AFI was the first major step  
4 towards bringing about in our largest urban center the extraordinary renaissance that  
5 we have experienced, and although I acknowledge that we are still providing large  
6 appropriations each year to keep this national institution healthy and in Silver Spring, it's  
7 easy for us to forget how any community would give it's left arm to have an institution  
8 like this in Cleveland or Baltimore or Pittsburgh or Salt Lake City or anywhere else. So I  
9 just want to make that point. I know that there has been over the last few years a feeling  
10 of like oh my God we've really over-invested in the arts and sometimes I felt that way  
11 myself, but I do think we need to continue this very healthy, ongoing relationship with  
12 AFI, even as we encourage it, which we certainly want to do to continue to raise private  
13 funds in the hope that this funding stream will decrease over time from the County.  
14

15 President Praisner,  
16 Councilmember Andrews.  
17

18 Councilmember Andrews,  
19 Thank you. I'm going to recuse myself on the AFI item since my wife recently did some  
20 work for the organization.  
21

22 President Praisner,  
23 Okay. We have the committee recommendations and we also have a couple of  
24 recommendations where the committee is not recommending placing items on the  
25 reconciliation list. Correct?  
26

27 Councilmember Berliner,  
28 Yes. That would speak to those organizations that came directly to us where it was  
29 believed that this was in fact the process contemplated going to the Arts and  
30 Humanities Council and as opposed to coming to us, and we want to reinforce the  
31 structure that we have so long sought and now created and don't want to undermine so  
32 the recommendation is not to approve these particular items on page seven and page  
33 eight.  
34

35 President Praisner,  
36 Right. I only had one question on the historic Medley district. The Arts and Humanities  
37 Council indicated that the grant is outside the categories that you have, so the question  
38 is where is the best place for that kind of concept to go such that if this is not  
39 appropriate or if your future efforts would be in this area or Conference and Visitor  
40 Bureau efforts and others, economic development efforts, Ag efforts; where does this  
41 go?  
42

43 Ms. Cameron,



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1 We looked at this in great detail on this strategic planning and what had been done in  
2 the past and the system did not work. It did become political and really the place to go is  
3 to the Executive and to the County Council and give them the purview to look at  
4 facilities. Now we have recommended that we have some additional funds in our  
5 categories to help with small facility requests. So in our grants to small- and mid-sized  
6 organizations they go up to \$30,000 now. Most of the organization that had gotten  
7 facilities money in the past were below that mark, which is why we ended up having that  
8 so that if a person wanted risers for their production, they could go ahead and just apply  
9 directly to us. But large facilities' requests looking at it through the strategic planning  
10 process, talking to all of you, talking to our participants, it really has become -- it was a  
11 political process. We feel that there is enough guidance through economic  
12 development, Ag, whatever it is, they can help and we can help advise, but we're got  
13 going to take the role of actually being the grant maker. It is really up to government  
14 when you're making that large a commitment.

15  
16 President Praisner,

17 I appreciate that. But how was that communicated to the folks there? Was it  
18 communicated in a timely enough fashion that they could then raise these issues?

19  
20 Ms. Cameron,

21 We in Historic Medley keep in touch with all the field and announce all of our grants and  
22 announce the strategic planning process and people could participate. They did not  
23 contact us about putting in a Council grant but after that we did talk to them and told  
24 them that here is what you need to be doing. So it was up to them to go forward with  
25 that.

26  
27 President Praisner,

28 Okay. All right. Councilmember Knapp. I think we need to further discuss this piece that  
29 appears periodically or almost chronically to fall through the cracks.

30  
31 Vice President Knapp,

32 I think it is important. So these were grants that came directly to the Council and so we  
33 submitted them to you for review because it kind of fit in or appeared as though it fit in.

34  
35 Ms. Cameron,

36 That's been the process.

37  
38 Vice President Knapp,

39 Right.

40  
41 Ms. Cameron,

42 The County Council grants are not eligible for Arts and Humanities organizations to  
43 participate in. They come through us now.



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1 Vice President Knapp,  
2 So I guess that's where I'm a little confused. So we didn't do Historic Medley because it  
3 didn't fit within your purview, so then does it get kicked back over to us to look at?  
4

5 Ms. Cameron,  
6 Yes, it did.  
7

8 Councilmember Leventhal,  
9 If I may.  
10

11 President Praisner,  
12 Go ahead, George.  
13

14 Councilmember Leventhal,  
15 I mean this year the Council determined by resolution how we would carry out our  
16 grants process, and for our Arts and Humanities grants we would receive the advice of  
17 the Arts and Humanities Council, which we did in this case. And then we reviewed it in  
18 the HHS Committee.  
19

20 Vice President Knapp,  
21 (Inaudible) onto the list.  
22

23 Councilmember Leventhal,  
24 And our recommendation was that we were not going to give these grants. So it was --  
25 we did discuss it in committee.  
26

27 Vice President Knapp,  
28 So this is not a part of the larger grant list -- the recommendations we got from Peggy.  
29

30 President Praisner,  
31 No.  
32

33 Councilmember Leventhal,  
34 No. The Grants Advisory Group we determined by resolution would review Human  
35 Services Grants. Basically with a few big (inaudible) environmental grants too.  
36

37 Ms. Cameron,  
38 And if you look at page 37, that's our recommendation.  
39

40 Vice President Knapp,  
41 So a district like Historic Medley would end up going through the HHS Committee.  
42

43 Councilmember Leventhal,  
44 It did.



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1  
2 Ms. Cameron,  
3 It did.

4  
5 Vice President Knapp,  
6 Oh, that is a pretty big crack to fall through. Okay we need to follow up.

7  
8 President Praisner,  
9 I think we need to work more broadly on those kind of things, because the grants that  
10 we went through the Grants Council on granted do not go to this kind of historic issue  
11 but they aren't all HHS type.

12  
13 Vice President Knapp,  
14 No, they're not.

15  
16 President Praisner,  
17 So we need to -- I would refer us to continue to look at that issue. That's my only point.  
18 No one's objecting to what's here, I just think we need to further pursue.

19  
20 Ms. Cameron,  
21 I would like to just mention that our grants committee did review these and made  
22 comments on them which is on page circle 37. So we did go through a formal process  
23 of review before we even recommended it to the HHS committee.

24  
25 Vice President Knapp,  
26 That's okay. I just wanted to make sure I understood the process because it's easy to  
27 kind of have things kicked from one place to another and they may not fit in the right  
28 place, and not to recognize what's competing against what at what particular time. And  
29 so we do need to follow that up on this type of category.

30  
31 Councilmember Leventhal,  
32 Okay, but if I may, we will always every year discuss and refine the grants process.

33  
34 Unidentified,  
35 We will. Exactly.

36  
37 Councilmember Leventhal,  
38 But the purpose of the grants process has never been that everybody gets to yes.

39  
40 Vice President Knapp,  
41 I'm not saying that.

42  
43 President Praisner,



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1 I'm not saying that, George. I'm just saying that. All we're saying is you need to make  
2 sure the folks know when to submit, what to submit, and where to submit. That's all.

3  
4 Councilmember Leventhal,  
5 Right I don't think anyone made any mistakes in this.

6  
7 Vice President Knapp,  
8 It is not a mistake. It is just a matter knowing where to advocate and when to advocate  
9 for things that may not necessarily fall into it. We can't come up with enough  
10 circumstances or parameters here to estimate the unique and interesting opportunities  
11 that our residents are going to identify. And so we just need to make sure (inaudible).

12  
13 Councilmember Leventhal,  
14 We just fund a hundred percent of these (inaudible).

15  
16 President Praisner,  
17 No one is suggesting that.

18  
19 Vice President Knapp,  
20 I'm just saying when we have something that's unique and interesting that because we  
21 have a more standardized process that we recognize that and say this one is different,  
22 let's make sure we ask the right question because we may want to compete against  
23 something else as we try to establish our priorities; that's all.

24  
25 Councilmember Berliner,  
26 We are so close, folks.

27  
28 President Praisner,  
29 We are done. We are done.

30  
31 Councilmember Berliner,  
32 I believe we are done, thank you. And thank all of you and I appreciate your  
33 cooperation.

34  
35 President Praisner,  
36 Thank you. We have several other budgets to do this morning before 12:15. So let me  
37 call up the Conference and Visitors Bureau. Kelly, I saw you in the audience. Kelly  
38 Golf, Executive Director for the Conference and Visitors Bureau. This is a non-  
39 departmental account, which means it is not in essence under any one agency or  
40 department. The funds for the Conference and Visitor's Bureau come out of an action  
41 the Council took years ago, which bases revenue to the Conference and Visitor's  
42 Bureau -- can we have order please, folks. Conference and Visitor's Bureau funds are  
43 3.5% of revenue collected from the hotel/motel tax and because obviously it has to be  
44 trued up at the end of the year, it is sometimes modified later, but at this point the



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1 County Executive is recommending a budget of \$644,350, which is an increase of  
2 \$51,450, and that's obviously related to the revenue from the hotel/motel tax. PHED  
3 Committee unanimously recommends that the Conference and Visitor's Bureau NDA be  
4 approved. Are there any comments you'd like to make, Kelly? Any questions that we  
5 have? No, okay. They are approved. Thank you. We'll now move to the Conference  
6 Center, which is a separate NDA as well. The non-departmental account for the  
7 Conference Center is associated with a full-time position to manage the operational and  
8 fiscal oversight of the Conference Center complex on behalf of the County; non-routine  
9 or major repairs, alterations, improvements, renewals and replacements, and also  
10 reserve funds that are required by the management agreement. And the revenues that  
11 come to us from the Conference Center are associated with land rent from the hotel and  
12 they also appear in the NDA. Twenty percent of the County's net proceeds from the  
13 Conference Center operations are retained for investment in marketing and facility  
14 improvements. This is one of our success stories, to put it mildly, as far as community  
15 response and reaction. I participated earlier -- it was last two weeks. I can't even  
16 remember what day it was -- Monday. The initial part of the groundbreaking for an  
17 expansion of the hotel that is going forward and the committee recommends approval. I  
18 don't see any lights. So, we will move on to the Department of Economic Development.  
19 And folks in front of us, if you could introduce yourself for the TV camera. Pradeep.  
20

21 Mr. Ganguly,  
22 Good morning. I'm Pradeep Ganguly, Director of the Department of Economic  
23 Development.  
24

25 President Praisner,  
26 Peter.  
27

28 Mr. Bank,  
29 Good morning. I'm Peter Bank, Division Chief of Finance and Administration.  
30

31 Ms. Owenby,  
32 Mary Beth Owenby.  
33

34 Ms. Dollar-Owenby,  
35 Allison Dollar-Owenby.  
36

37 President Praisner,  
38 Thank you. And Justina did a terrific job in laying out the budget for us. Let me say that  
39 the recommendations from the committee are unanimous and as summarized on page  
40 1, I guess except for one item are unanimous. The committee recommends deleting the  
41 .7 work year and \$109,900 for the Economic Development Policy and other special  
42 projects position in the office of the director. As the Council will recall, last year when  
43 this position was presented to the Council, the Council decided it did not want this  
44 position and did not support the position. Unfortunately the new administration bears the





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1 results of the Council's action in this regard and the committee is consistent in a fiscally  
2 difficult time of not expanding this position. There is also \$50,000 on the reconciliation  
3 list. That was the 2 to 1 vote. The Alliance for Workplace Excellence, which has been a  
4 partnership, first started with support and lead by some of our more creative and  
5 focused on employee relations -- government and non-government entities; Discovery I  
6 can think of and a few others that have been very aggressive in workplace quality and  
7 workplace focus, work/life issues. And also the Mental Health Association. I think as a  
8 fiscal reduction, the department took a -- it was \$75,000 the contract and the committee  
9 has put \$50,000 of it on the reconciliation list. On page 4 are a listing of the new  
10 positions that have about included in this budget, which the committee approves. The  
11 expansion of -- well, the development of our incubators, Silver Spring, Rockville and  
12 Germantown -- Rockville being, I believe, still a partnership with the city of Rockville,  
13 requires some staff, obviously, and as those incubators come online and are expanded,  
14 the -- it requires increased personnel. There also -- and that's basically where the  
15 increase in the department's budget appears. There were also some puts and takes that  
16 are up here on page 5 and 6 of the budget. The one area that the committee was  
17 interested and very supportive of funding is summer jobs for youth, and there is a  
18 \$50,000 funding request is specifically designed to place 40 youth from basically the  
19 Germantown, Wheaton and Silver Spring areas into summer employment opportunities.  
20 The committee is interested in following and tracking the outcome of this initiative.  
21 Obviously target population will be low and moderate income youth ages 14 to 21 who  
22 live in Montgomery County. It will be associated not just with jobs, but with also work  
23 skill development. And those, as I said, summer employment opportunities. It's  
24 highlighted as a Gang and Youth Violence Prevention initiative, and I guess the  
25 comments Councilmembers have made earlier about the whole issue of how we focus  
26 or where the gang prevention initiatives are, but summer jobs appears to be something  
27 that is discreet enough for us to support and understand. There are also Workforce  
28 Investment Operating Personnel Shifts and Workforce Grant Shifts. We continue to  
29 monitor the funds that come from the U.S. Department of Labor and the Maryland  
30 Department of Labor, both grants and others, to support employment services. My  
31 sense is that we could always use more, but this is a challenge with the Federal  
32 Government and a challenge across the board as far as workforce investment, but the  
33 efforts in cooperation with career transition and other job services. The locations make  
34 them convenient and accessible for folks. And I think they're a program that we are  
35 obviously proud of. I wish we could do more in and will continue to monitor and have  
36 conversation about, just as we will want to have a report on the youth employment  
37 programs, as I said, including the types of jobs, what the outcome was. I've scheduled  
38 or want to schedule a meeting this fall of the committee and would like to have the  
39 Chambers and others involved, as well. The private sector is the key provider in the end  
40 for job creation and we need to strengthen that relationship and also have more  
41 feedback and dialogue about it. On page 9, there is some reference to the Ag Services  
42 Programs, page 8 and 9. The major changes in the Ag Service there really are none  
43 except that we have seen an increase in farmland preservation and therefore the  
44 halftime position -- it was approved as a halftime position, but it had only been -- it was





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1 approved in the past as a full-time position but was only filled halftime and now is being  
2 -- getting the other half. There was some discussion about the road sign issues. I think  
3 Councilmembers have received some e-mails of community members who had less  
4 than positive reactions to the survey instrument and issues related to the signs. I think  
5 part of the question that the committee discussed is if there is a challenge with state  
6 highway, we want to deal with that first and understand how we might assist with that,  
7 rather than automatically beginning to place signs on county roads, unless they are at  
8 the entry levels to those roads to the Ag Reserve, not indiscriminately. Councilmember  
9 Knapp.

10  
11 Vice President Knapp,

12 Thank you, Madam President. Just broadly on the agricultural piece, I want to thank the  
13 department Chairman in particular because obviously with the focus that we've had over  
14 the course of the last 18 to 24 months, and agricultural-related activities from the  
15 Council, trying to coordinate and get folks to participate, and drawing lines between  
16 participation and advocacy, and a variety of different elements, it's a very delicate line to  
17 walk and to tread. And I think, Jeremy, you do a very good job of doing that while at the  
18 same time making sure that people who need to know things know those things. I had  
19 to get that information out. As it relates to the signage piece, I saw a trail of some of the  
20 e-mails and one of things I would just say -- and it was interesting because I saw some  
21 e-mails from folks who lived in -- I think it was Bethesda. There is a perception that of  
22 course everyone everywhere would want more signs. And I've heard from a number of  
23 folks, in particular farmers, who have -- many of whom like but many of whom live in the  
24 Ag Reserve who are not necessarily big, big fans. And I was intrigued by the response  
25 angle, anyone who wouldn't want to see a sign in the Ag Reserve obviously doesn't like  
26 the Ag Reserve. It's important I think for us to recognize that there are a lot of -- a lot of  
27 different opinions. Folks who lived there for hundreds of years who kind of like it the way  
28 it is. And those -- while at the same time, recognizing the need that we really need to  
29 market the Ag Reserve and make sure we increase that measure of awareness so  
30 people as you kind of cross over the line and you know where it is. More of the rest of  
31 the county has an understanding of it. And so I appreciate your efforts to get information  
32 as is often the case with anything we've done, as we've discussed the agricultural  
33 issues, there are lots of very strong, deeply-held positions on just about everything and  
34 anything you can find. And so I just thank you for your efforts and I appreciate the  
35 committee's recommendation on expanding the one position because I think that is  
36 important especially as we look at moving down the road and looking at the BLT  
37 program or whatever other additional land preservation programs we look at. Just some  
38 group remarks on those respects.

39  
40 President Praisner,  
41 Councilmember Leventhal?

42  
43 Councilmember Leventhal,



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1 Yeah, I just wanted to ask the Council President if she could repeat the last thing she  
2 said about the signs on county roads. I didn't quite understand that. I do understand  
3 what's in the packet.

4  
5 President Praisner,  
6 We had some e-mails that based on the surveys -- I don't know if you saw them. That  
7 were negative.

8  
9 Councilmember Leventhal,  
10 Yes, I did, indeed.

11  
12 President Praisner,  
13 And my comment was that when we approved the signs it was in essence, I believed, to  
14 designate the area and to kind of define the area. So some reactions that I've gotten  
15 from individuals relate to not just putting signs where people may accept them, but also  
16 having a plan of where those signs would be in order -- .

17  
18 Vice President Knapp,  
19 Maximum benefit.

20  
21 President Praisner,  
22 To maximize the understanding of the Ag Reserve.

23  
24 Councilmember Leventhal,  
25 Right.

26  
27 President Praisner,  
28 So if 15 people on one road say they're okay with it, you wouldn't keep having Ag  
29 Reserve, Ag Reserve, Ag Reserve signs, that was my point.

30  
31 Councilmember Leventhal,  
32 Oh, okay.

33  
34 President Praisner,  
35 But we don't indiscriminately just place them where people want them but we have  
36 some kind of a plan. That was my point.

37  
38 Councilmember Leventhal,  
39 Good. That's good.

40  
41 President Praisner,  
42 And that state highway, I think, you know, a sign that indicates that you're entering the  
43 Ag Reserve area or this is Welcome to Montgomery County's Ag Reserve or something



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1 with the state highway is something that if they're resisting, I think some politicians should  
2 need to be involved in that conversation.

3  
4 Councilmember Leventhal,

5 Indeed. I agree with all of that. That's very clear. Yes. Just in short, I think it's important  
6 to remember, at least my thinking as the sponsor of this and why we did it and my  
7 colleagues supported it. Down where I live -- I live about half a block from the District of  
8 Columbia. I'm very, very far from the Ag Reserve. And I live in the very urbanized area  
9 of Takoma Park near downtown Silver Spring. And my constituents think are, I think  
10 perhaps, under the impression that all of Montgomery County is like that. Not all of  
11 them, but many of them. If you spend all of your time going back and forth between  
12 downtown Silver Spring and your job in the District of Columbia, you feel that you're in a  
13 very urban, dense environment. And I think there is a broad lack of awareness of the  
14 tradition of growth management and open space protection in the County. There is not  
15 much awareness of what our predecessor Councils decided decades ago with respect  
16 to wedges and quarters and the creation of the Ag Reserve. You know, as we get  
17 denser near metro and in the down County, it's even more important that we explain to  
18 people that, you know, it's not far, if you want to enjoy open space and agriculture, it's  
19 just up the road. And this is a policy decision that we've made that we need to really --  
20 the people need to be prouder of and understand better than they do. I think there's a  
21 great misunderstanding about growth management in the County. And also then it gets  
22 to the marketing issue. That we're not going to be able to sustain agriculture if we just  
23 leave it alone all by itself. People have got to feel a sense pride and participation as  
24 residents of the County and buy local produce and participate in activities in the Ag  
25 Reserve, and you know, utilize it in the manner in which it's intended to be utilized. Not  
26 for purposes that are not consistent with its mission, but to understand when you're out  
27 here, these are the things we do out here. So, I it's -- I think it's very useful and helpful  
28 to the maintenance of this decision, which we hope we will be able to preserve in  
29 perpetuity, but it's not an easy thing to do. But we can't preserve it if people don't  
30 understand it.

31  
32 President Praisner,

33 Do you want to comment, Pradeep?

34  
35 Mr. Ganguly,

36 Madame President and Councilmembers, thank you, really, for your understanding of  
37 this program and your support for this program. I did want to take this opportunity to  
38 thank Jay Chris who has done a great job not only shepherding this program but also  
39 dealing with very disparate groups of people and keeping them informed and working  
40 with them. So I just want to take this opportunity to thank Jay. And I fully agree with Mr.  
41 Leventhal. I think we are going to have to really include this message in all of our  
42 marketing campaigns that this is an asset for Montgomery County.

43  
44 President Praisner,



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1 If there are no other questions on agriculture, I wanted to go back to some of the  
2 comments about the incubators to indicate that the list of the incubators are up here on  
3 page 10 and 11. Some brief definitions of them. We did ask that we have a future  
4 conversation that might present the budgets and the information on the incubators in a  
5 different way that includes a number of businesses served, types of business, revenues  
6 associated, length of time in an incubator, et cetera, so that we can track that  
7 information more directly and can respond to the questions that we often get.  
8 Councilmember Knapp.

9  
10 Vice President Knapp,  
11 Just drawing my colleagues' attention to the bottom of page 10, the Germantown  
12 Innovation Center Subsidy, as it relates to our discussion at Montgomery College on  
13 Monday. This is the other half of the building that the college is trying to open -- this is  
14 the Goldenrod Building. So the County from our side we've actually put the money in to  
15 make sure that we can open up that portion. So it's actually pretty important for us to  
16 have the college -- the resources to open up the other portion. But I just wanted to make  
17 sure that people understand that those elements were taking place in the same facility.  
18 And I know that my colleagues are supportive of trying to support the college, but I just  
19 wanted to make sure the people knew those pieces were tied together.

20  
21 President Praisner,  
22 I think that actually completes the comments I was going to make about the budget. I  
23 don't know if there are any other questions. Uh-huh?

24  
25 Vice President Knapp,  
26 We are a part of obviously a much broader region that is trying to market itself and  
27 trying to attract people to not just Montgomery County, but also the greater Washington  
28 area. In that capacity, I was at a dinner last week or the week before in which I had  
29 stumbled into the folks from the Greater Washington Initiative, of which we have been a  
30 significant participant. And they had alerted me to the fact that, I think, it was two years  
31 ago the County had reduced its funding for the Greater Washington Initiative. And as a  
32 result of that, Fairfax County has just indicated to them that they were also going to  
33 reduce their funding to a level that is commiserate with what Montgomery County -- I  
34 think we've gone from 125 down to 25, and Fairfax is now doing the same thing. And  
35 obviously they've assumed that if Fairfax and Montgomery County take the approach,  
36 then everyone else is sure to follow. And so I just want to make sure that if we think  
37 these are worthwhile initiatives that we provide the resources for them to be successful,  
38 and if not, then I think it's important for us to sit down with folks and have a clear policy  
39 as to where we think it fits. Because if not then it's kind of just death of a thousand cuts,  
40 and I'm not sure that makes a lot of sense. Because if we reduce then Fairfax reduces  
41 and everyone else reduces, there is nothing left for the Greater Washington Initiative  
42 from a government perspective. And I know that it uses private dollars as well. But I  
43 think they're kind of sitting out there wondering why, how, how do we work together?  
44 Are we really supposed to working with you? Do you really not care about us as at all?



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1 And as we try to have broader regional discussions, I just don't think it's clear what the  
2 logical next step is. And so I don't know how it's been funded or how the decision has  
3 been made in the past, and there is no particular line item within this budget to address  
4 it. So I just wanted to raise that out and see if you have any perspective.

5  
6 Mr. Ganguly,  
7 Madam President, May I just respond to that?

8  
9 President Praisner,  
10 Sure.

11  
12 Mr. Ganguly,  
13 When I came on board this was one of the items that I had initially flagged and I had a  
14 very good discussion with the leadership at the Greater Washington Initiative. I  
15 understand the value of an organization like that because a lot of projects that we work  
16 on in Montgomery County will happen because of regional partnerships. And therefore  
17 we need to be a player in the region. However, I have not -- since I came on board, I  
18 have not seen much in terms of product that helps me market Montgomery County. I've  
19 seen great reports that are very generic in nature. So I am in discussion with them. We  
20 are going to fund them at the level that we had in fiscal '07 or fiscal '06, but I'm not at  
21 this time recommending that we raise that level until I have a clearer understanding of  
22 what partnership we have with them, and I'm in discussions with them right now.

23  
24 Vice President Knapp,  
25 And I think that's a fair point. I guess at some point over the course of the next few  
26 months, if you, in the course of your conversations, could articulate what you think it is  
27 that we would hope to achieve-- .

28  
29 Mr. Ganguly,  
30 Absolutely.

31  
32 Vice President Knapp,  
33 What kind of requirements you would have for them, and then we get back to the  
34 discussion next year, that we can kind of either say yes, they're meeting them or not it  
35 really doesn't meet our needs at all, as opposed to kind of taking a middling approach  
36 which probably doesn't get either of us anything that we really need.

37  
38 Mr. Ganguly,  
39 Yes, Mr. Knapp, I fully understand what you're saying and I wanted really to do due  
40 diligence to make sure that we are investing these marketing dollars properly.

41  
42 Vice President Knapp,  
43 Okay.



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1 President Praisner,  
2 Councilmember Trachtenberg.

3  
4 Councilmember Trachtenberg,  
5 I note the redistribution relating to interns and, Pradeep, I actually wanted to ask you  
6 some questions about intern support specific to the department. What kind of intern  
7 opportunities do we actually have within the department that exists year round?  
8

9 Mr. Ganguly,  
10 Sorry. This department during summer months undertakes a lot of very, very basic data  
11 collection, data gathering, information-collection activities. We believe that this has been  
12 done in the past and it helps us really to get a better understanding of the industry  
13 sectors we have, where the growth is happening, what new initiatives we need to  
14 consider in the future. So these interns that we -- we bring on board do much of the  
15 basic research. And some of them could be just collecting data and putting it on a  
16 spreadsheet. Some could be assisting with marketing and promotional activities. So I  
17 think that's where the -- and I find that to be very valuable.  
18

19 Councilmember Trachtenberg,  
20 Yeah, I imagine that it is. My point really is that I think perhaps one of the things we  
21 want to explore in the future is really establishing on an ongoing relationship with  
22 several academic settings, so that we actually have a year-round exposure. And I'm  
23 specifically thinking about the merit of having intern support available as we develop  
24 incubator projects throughout the county. I think that's something that I'd like to see us  
25 explore.  
26

27 Mr. Ganguly,  
28 Yes, I'm very, very keen to do that because that will give me the level of support so that  
29 I can free up my resources to focus on marketing business development, outreach to  
30 the minority business community and women-owned business community.  
31

32 Councilmember Trachtenberg,  
33 Right. That's where I'm going.  
34

35 Mr. Ganguly,  
36 So getting the help would be very beneficial to me.  
37

38 President Praisner,  
39 I just have -- oh, Councilmember Leventhal, I'm sorry.  
40

41 Councilmember Leventhal,  
42 Yeah, first of all, I thought that was an excellent exchange between the Council Vice  
43 President and the Director on the issue of the Washington Regional Initiative. We can't  
44 say yes to everything. I mean we just can't. You know, we get elected and sometimes





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1 have to say no. It's really hard. We have to prioritize. So I just thought that was a real  
2 good conversation.

3  
4 Vice President Knapp,  
5 I appreciate that. I guess the thing I -- I would actually rather get us to a point that we  
6 say yes or no and not kind of end up in the middle ground.

7  
8 Councilmember Leventhal,  
9 And we should be clear.

10  
11 Vice President Knapp,  
12 That's important. If we don't think it's worth our while then let's have that discussion and  
13 let's not do it. Or if it is, then let's put the money out there and let's be committed to it.

14  
15 Councilmember Leventhal,  
16 Let's be honest about our intentions. Yes.

17  
18 Vice President Knapp,  
19 Yes.

20  
21 Councilmember Leventhal,  
22 Sometimes it's hard when you're telling someone no, you don't really want to be honest.  
23 But in this case what I wanted to say to Mr. Ganguly, I just sincerely want to thank Mr.  
24 Ganguly. It has been a delightful couple of months working with you and your  
25 department. And I appreciate and I've been pushing you -- the focus you've placed not  
26 only on the big fish, but on some of the smaller fish that really make a big difference to  
27 people's sense of community -- we, of course, spend most of our time here talking about  
28 public facilities and we spend a great deal of time talking about support for non-profits,  
29 but, in fact, people's daily experience in Montgomery County very much relates to their  
30 interaction with for-profits. When people think about what they like about Montgomery  
31 County. For a lot of people, it means going shopping or it means eating in a restaurant  
32 or it means going to a movie, or it means things that are not governmental and not  
33 nonprofit. And obviously there is a private market and there's a division between what  
34 we do in government and what is successful and what is not. But that intersection  
35 between those two sectors falls exactly within your department and it's a challenge. And  
36 in that regard I just want to say that all of us heard a great deal from the residents of  
37 Hillandale. And the County Executive made his decision to instruct the County attorney  
38 to get involved in the case. What I think the issue is in Hillandale regardless -- I don't  
39 have a view. I don't seek to state a view about the zoning classification and the eligibility  
40 of the thrift store. That's not my job to interpret that. But what I think is happening in  
41 Hillandale is there's a strong feeling from the neighbors in that area that the amenities  
42 available to them in the private sector are not what they want and expect in their  
43 neighborhood and that is not unique that we have many aging shopping centers.  
44 Hillandale is a great example. Glenmont is another. Long Branch is another. Where





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1 there are neighbors whose -- one of their primary complaints about life in Montgomery  
2 County is that they want to modify and shape the private sector amenities around them.  
3 I hear it all the time. And it's difficult for government to know how to respond. If  
4 somebody says I'm unhappy with the hours at the library. Well look, I'm a committee  
5 chairman, I can do something about that. But if somebody says, you know, I just can't  
6 buy what I want in my neighborhood. I've got to drive all the way to Rockville Pike. And  
7 that's not good land use; that's not good transportation policy; that's not good energy  
8 policy. I have to drive too far to get the things I want that I should be able to get in my  
9 neighborhood. And I just want to really highlight that as a priority for you. And I want to  
10 work with you on that, because I think there's a big issue with respect to these  
11 neighborhood shopping centers, and are they meeting the expectations of our  
12 constituents? And Hillandale is a front-of-mind example.

13  
14 President Praisner,  
15 Actually, Councilmember Leventhal, that, as much, falls in the Department of Housing  
16 and Community Affairs as it does -- .

17  
18 Councilmember Leventhal,  
19 It's between the two departments, I agree.

20  
21 President Praisner,  
22 And also with the planning board.

23  
24 Councilmember Leventhal,  
25 I agree.

26  
27 President Praisner,  
28 And we've had these conversations and tried to relate. It's also related to community  
29 members wanting to take over land use and planning or the development and not really  
30 understanding what the private sector role is in that, as well. We've started to have  
31 those conversations within the PHED Committee and having the three functions come  
32 together, but it is an education piece, as well. I need to move on to Councilmember  
33 Andrews.

34  
35 Councilmember Andrews,  
36 Thank you. As has been really said, maintaining support of the Ag Reserve it involves  
37 support from outside the Ag Reserve. You've got to market it. It's got to be known to  
38 people who don't live there for its long term viability. And so I would suggest that  
39 signage outside the Ag Reserve, pointing to the Ag Reserve; you're only 15 miles to the  
40 Ag Reserve; you're 10 miles, 5 miles, 2 miles -- would be a way to educate the public  
41 about it and to get them thinking about it. It really needs to be marketed a lot within the  
42 County but outside the reserve, and signage is one way to do that too, and perhaps  
43 easier to do in some respects since there are already a lot of signs in those areas. But  
44 what people don't see they generally don't appreciate or understand as a general rule.



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1 And a lot of people don't see the Ag Reserve because they don't go that way. So we  
2 need to keep raising awareness about it and in a way that captures people's attention.

3  
4 President Praisner,  
5 Okay.

6  
7 Mr. Ganguly,  
8 Do you need a respond to that?

9  
10 President Praisner,  
11 If you could briefly because we've got 15 minutes to do the next big item.

12  
13 Mr. Ganguly,  
14 I will take 45 seconds.

15  
16 President Praisner,  
17 Yeah, sure.

18  
19 Mr. Ganguly,  
20 You know, I found that often we market to the global community and we forget to market  
21 to ourselves. I think one of the biggest challenges and opportunities is to really let  
22 everyone that is our partner in Montgomery County know the assets that we have and  
23 really getting them to become our true partners. And in that light, really selling the Ag  
24 Reserve to our people in Montgomery County -- that's one million people. That's a great  
25 opportunity. I agree with you.

26  
27 President Praisner,  
28 Okay. We would then move on, if there are no other questions, to the Economic  
29 Development Fund. The Planning, Housing and Economic Development Committee  
30 unanimously recommends the Council approves the fund and the budget is submitted at  
31 \$802,440. As the Councilmembers who are continuing know and as the new  
32 Councilmembers will learn, the Economic Development Fund -- first of all, the funds  
33 may be carried over from year-to-year and also what it accumulates as besides interest,  
34 the loan repayments that are associated with the loans that come out of this fund to  
35 businesses to both attract and retain businesses in the County. In the past, we had  
36 appropriated more money than this, but decided that because there is the latitude to  
37 come back to the Council if needed, that we would not put a larger sum of money in this  
38 category. We can do supplemental appropriations on a case-by-case basis. The Council  
39 receives -- and Councilmembers will receive -- both a confidential and a public report on  
40 the use of the Economic Development Fund so that we can track both the businesses  
41 folks might be negotiating with where things might not be completed. There is also and  
42 has been, in the area of the Economic Development Fund, the Council, several years  
43 ago, provided that there should be \$100,000 of the grants in this fund associated with  
44 small businesses that may be impacted by either County revitalization projects or



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1 significant activity -- construction and otherwise -- that affects negatively or could affect  
2 or is affecting negatively the smaller businesses in an area. So, for example, in  
3 downtown Silver Spring or in the Wheaton area and in Burtonsville, we have had  
4 members of the office of Economic Development interacting with the businesses that  
5 have seen what they believe are problems, financial problems, for their businesses. I'm  
6 not sure that we have received a report on that appropriation -- in fact, the activity in  
7 those areas on an ongoing basis. So maybe some of that might be better done in a  
8 memo later. So at some point if you want to give us a status report with businesses that  
9 would be helpful. Peter.

10  
11 Mr. Bank,  
12 Mrs. Praisner, in relation to the Economic Development Fund report, which is submitted  
13 to Council on every March 15, which in the middle of the section does have two pages  
14 reports on the impact assistance fund. But would you like a separate report?

15  
16 President Praisner,  
17 I think the point is there may be a greater sense of urgency associated with those, and  
18 so to the extent you have new activity that you're doing in a certain area, not waiting for  
19 that report to let us know that you're working with those businesses would be helpful, I  
20 think.

21  
22 Mr. Bank,  
23 We will make sure to provide that information to you.

24  
25 President Praisner,  
26 Thank you. I see no lights. We will move on to the last two items, which are CIP  
27 Amendments. One is cost sharing. It's a new item. It's the Birchmere Project. As the  
28 Council knows, the General Assembly and the governor approved a \$2 million  
29 appropriation for the new Birchmere Project. The County's share of that, as it turns out,  
30 is \$1,850,000 at this point. This is in addition to the \$150,000, which we expended for  
31 the feasibility study. That gets us to the \$2 million. The Birchmere Project, as you know,  
32 provides for using the J.C. Penney site at 8656 Colesville Road to be converted into a  
33 music hall and to be operated by the Birchmere. The project has generated significant  
34 enthusiasm when it was announced by the former County Executive last year, but at  
35 this point, the feasibility study has not been completed and there is no total information  
36 on the scope of the project or the development agreement that would need to be  
37 developed and adopted by the County. So the staff appropriately gave the committee  
38 three options in discussing this project. One was not to include the description of the  
39 project in the PDF that is called cost sharing. It's a PDF that was created in order to  
40 accommodate projects that go on over more than one year. One would be to include  
41 that but not put any appropriation in it until the feasibility study's been completed. But  
42 there was some concern that that might have a negative message and a negative effect  
43 with the state. Second would be to just approve the PDF and the funding. The third  
44 would be to agree to the dollar amount appropriation but to lay out some of the



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1 agreement materials and the Council's review and approval before the funds are  
2 expended, and that the funds may not be expended until the feasibility study is received  
3 and reviewed by the Council and the Executive. So we took that latter approach and  
4 that includes Council review and approval of the general business terms of the -- of the  
5 study, and that the feasibility study is submitted to the Council and the Executive. In  
6 addition to that, what I had asked is we have significant arts and entertainment facilities  
7 that the County now owns and -- or to which the county is making significant  
8 contributions. And so we've asked that we get a report after the budget and have some  
9 opportunity to fully appreciate the magnitude and the implications of these commitments  
10 and these obligations. I would note, also, that Councilmember Ervin joined us in this  
11 conversation and supported the feasibility study priority in relationship to the actual  
12 decision-making on the agreement. The land-use questions are still in question as well.  
13 And when we first were presented, the Council, with this item it was prior to this  
14 Council's assuming office and there were certain materials that were presented to the  
15 Council about the unique role in which the Planning Board involve -- or expectation as  
16 far as the Planning Board's approval and review, and those items are still being  
17 discussed and reviewed among Planning Board comments and also in the documents I  
18 think we will finally see. The Council raised comments and concerns about the original  
19 way in which those expectations of commitments and obligations were phrased. Not  
20 rejecting the issue, but raising some concerns about the documents as first presented  
21 by the private-sector partner. So the committee recommends approval with that  
22 stipulation. The last item is the Life Sciences Technology Projects of the committee,  
23 unanimously recommends approval. There is an amendment to the CIP to add  
24 \$325,000 to the Life Sciences Project. The funds were requested to continue with the  
25 development of those projects that includes the Rockville -- and that relates to the  
26 incubators that we talked about earlier. That includes the Rockville Innovation Center,  
27 the Germantown Center and the East County center for which we are finally making  
28 some progress relative to the agreement by the commissioners of WSSC that they  
29 support selling site 2 to Montgomery County. That sale has not been finalized from a  
30 standpoint of the due diligence that still needs to occur and the discussion that needs to  
31 occur, but we do have at least the step that the commissioners have approved that.  
32 Unless there are comments from that side of the table, or questions from this side of the  
33 table, the committee's recommendations stand and we are in recess until 1:30. Thank  
34 you.

35  
36 Mr. Ganguly,  
37 Can I take one second?

38  
39 President Praisner,  
40 One second, sure!

41  
42 Mr. Ganguly,  
43 To thank Justina Ferber on your Council staff. She has been very, very helpful in  
44 guiding us through this process.



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1  
2 President Praisner,  
3 Yes Justina, as always, we take her for granted sometimes because she does such a  
4 terrific job!  
5  
6 Mr. Ganguly,  
7 Thank you. And to all the Councilmembers, you've been great to work with. Thank you,  
8 Madame President.  
9  
10 President Praisner,  
11 Thank you.



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1

2 President Praisner,  
3 Good afternoon, ladies and gentlemen. We are beginning this afternoon, I believe, with  
4 the State Attorney's Office. I just want to make a few comments. I expect a few of the  
5 other Councilmembers, but Councilmembers Leventhal and Floreen are in Washington  
6 for a Council of Governments meeting. They have to do presentations this afternoon, so  
7 I don't know if they'll be back for any of the meeting, but we'll hopefully work through  
8 and they know they have an excused absence. Let's put it that way. Chair of the Public  
9 Safety Committee, let's begin.

10

11 Councilmember Andrews,  
12 Thank you, Madam President. We're going to begin with the State's Attorney Office  
13 Budget. We have some folks here from the office to comment and to answer any  
14 questions that Councilmembers may have. Let's have people introduce themselves at  
15 the table for people watching on TV or listening in.

16

17 Mr. Piesen,  
18 Ed Piesen, OMB.

19

20 Mr. McCarthy,  
21 John McCarthy, State's Attorney, good afternoon.

22

23 Mr. Baker,  
24 David Baker, State's Attorney's Office.

25

26 Ms. Chase,  
27 Laura Chase, State's Attorney's Office.

28

29 Mr. Maloney,  
30 And John Maloney, State's Attorney's Office.

31

32 Councilmember Andrews,  
33 Good afternoon, everybody. As people are aware, we have a new State's Attorney  
34 who's been in office about six months now.

35

36 President Praisner,  
37 Time flies when you're having fun.

38

39 Councilmember Andrews,  
40 But he came with a tremendous amount of experience, having served in the office for  
41 decades.





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1  
2 President Praisner,  
3 He's not that old.

4  
5 Councilmember Andrews,  
6 Two counts.

7  
8 Mr. McCarthy,  
9 Oh, yes, I am.

10  
11 Councilmember Andrews,  
12 So we've got the advantage of new thinking and experience at the same time. The  
13 budget does not have a lot of changes in it. There is an addition of two Gang Prosecutor  
14 positions 1.6 work years in the next fiscal year. And in terms of trends, that's a trend that  
15 we're seeing in terms of more attention to crimes committed by gang members in  
16 gangs. But also, one of the things that's driving the office is the need for more DNA  
17 analysis, because of the expectation that's changed over the last few years in court  
18 about what's expected to be presented by prosecutors. And so that is something that's  
19 driving their budget to some degree, and also the police budget. And would drive it more  
20 if there were more space in the police budget and police headquarters for that. But that  
21 is a continuing concern. So I think what I'll do is have the State's Attorney make any  
22 comments he would like to make about the budget and perhaps talk about some trends  
23 he sees effecting his work. Anything at the state level that people need to be aware of  
24 that is going to impact the County that comes out of the General Assembly Session and  
25 what you see in the year ahead. Mr. State's Attorney.

26  
27 Mr. McCarthy,  
28 Thank you, Mr. Andrews. It's a pleasure to be here with you the afternoon. Very briefly  
29 because I think most of the members of the Council are well familiar with of the issues  
30 that are set forth in the briefing statement that was put together by Ms. McMillan. Let me  
31 just talk about the increasing gang presence in Montgomery County briefly. I think all of  
32 us that have been paying attention realize that there is a growing gang presence in  
33 Montgomery County. And I will say to you that as a result of that issue, I think being of  
34 chief public concern in terms of public safety, I have spent an awful lot of time during the  
35 months that I've been State's Attorney, trying to focus and organize my office to address  
36 the issues of growing gang presence and it's impact on public safety here in  
37 Montgomery County. One of the things that I am pleased that the Council is  
38 recommending that I would get two additional prosecutors to address that particular  
39 issue. What we've been attempting to do is put together a strategy for addressing what  
40 we call an all crimes approach to prosecuting gang crimes here in Montgomery County.  
41 Last year, just to give you numbers, we prosecuted 77 gang members who were  
42 associated with criminal activity here in Montgomery County. I literally have the list with  
43 me today and as of today, as we sit here in May; we have now already initiated 99  
44 prosecutions against gang members in five months here in Montgomery County. So we



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1 are doing a much better job of identifying, classifying, and then tracking those cases  
2 and in the all crimes approach that I've adopted, we're doing it not just in the most  
3 serious cases in the Circuit Court, we are doing it in the Juvenile Court with our children.  
4 We are also doing it in the District Court. There was a very lengthy example that was  
5 provided during the Public Safety Commission Hearing by Victor Delpino in my office  
6 about effective that's been when we go into court and are able to provide very detailed  
7 information about gang-related members who are committing crimes in our county and  
8 the impact it has in terms of sentencing. We're getting a much better bang for our buck  
9 in those cases because we're giving more information to the court about the individuals  
10 before them. We're also, and I know Mr. Elrich and others were interested in this; we  
11 are also trying to address (inaudible) and in coordination with our schools, what we call  
12 a truancy abatement project, where we're trying to identify and intervene with children in  
13 our schools. We do think there a core number of habitually truant children, particularly in  
14 our middle schools, which is where we're trying to essentially devote at least our initial  
15 efforts in this regard. I'm very much interested in not putting children in school, but  
16 making sure that children who are in school, are enjoying the benefits of a very fine  
17 school system. But I do not think we're doing enough to identify, to intervene, and to  
18 maybe do what we can to lend the strength of the State's Attorneys Office with either  
19 the parents or the children to get them back in school. We're working everyday with  
20 members of the schools and School Security Officer Bob Helmuth. And I talk almost  
21 every day about these issues, and we're trying to increase the number of children who  
22 are getting services because we are convinced that children who are not in school are  
23 much more likely to be involved in criminal activity and more specifically, as it relates  
24 gang-related activity. If you're not in school, the possibility of you being recruited into a  
25 gang I think is tremendously increased. So we think that we will bare fruit in a lot of  
26 ways if we do a better job identifying and servicing those kids who are habitually truant,  
27 which that term to me means you're not in school more than 20% of the time. And there  
28 is a cohort - there are several hundred children in Montgomery County schools who are  
29 in fact habitually truant based on the numbers that I've been provided.

30  
31 Councilmember Andrews,

32 That's a good example of how your office is involved about the intervention or  
33 prevention aspect, as well as the enforcement.

34  
35 Mr. McCarthy,

36 And actually, as I leave here today at 3:30, today many of you are aware there is a bi-  
37 county press conference about efforts in the east Silver Spring area that's being hosted  
38 by Mr. Leggett and I think Mr. Johnson from Prince George's County is coming over,  
39 and my office is going to be a part of that. Again, trying to -- we all have scarce  
40 resources and we're trying to, as intelligently as possible, bring people together to talk  
41 about how we can address these issues in a coordinated fashion.

42  
43 President Praisner,



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1 Councilmember Ervin was going to represent the Council at that meeting and  
2 Councilmember Ervin wanted to comment.

3  
4 Councilmember Ervin,  
5 Thank you. Hi, Mr. McCarthy. Nice to see you.

6  
7 Mr. McCarthy,  
8 Nice to see you again.

9  
10 Councilmember Ervin,  
11 Couple of questions about gangs. We're spending a lot of money in a lot of different  
12 places on gangs and gang-related activity. For example, we're talking about after-school  
13 programs in schools in your department, and a lot of the departments we've heard from  
14 in these budget deliberations, and I want to go back to the two numbers you just spoke  
15 about. One is 77 gang members -- what were you talking about when you -- excuse me,  
16 when you said 77 gang members have been arrested this year? What were you talking  
17 about?

18  
19 Mr. McCarthy,  
20 I apologize if I was not clear. Last year, for part one, we prosecuted last year, 77 cases.  
21 They were primarily part one offenses, which means the most serious kinds of crimes.  
22 Rapes, robberies, drug offenses, against identified gang members, where we knew  
23 through our established gang unit, that they were in fact gang members. I do not think,  
24 Councilmember Ervin, that we were doing a good enough job at the front end identifying  
25 people who were gang members that were always charged with crimes in Montgomery  
26 County. What we've done is we now are doing, I think almost daily records from DOC,  
27 about people that are being identified by them at the correction facility that are gang  
28 members that are there. The police now have developed an alert system where if they  
29 arrest somebody last night for a gang-related crime and they are identified as being the  
30 54 Mob or the Bloods or LDL, we'll get an e-mail the next -- we'll get a fax the next  
31 morning. Be on the alert. John McCarthy was arrested and he's a Blood. And so we will  
32 automatically take that case. John Maloney, my deputy, is head of the gang unit. I  
33 already have Victor Delpino who the Councilmembers have met before; I've got Jason  
34 Abbott and several others that have tasked to join Jeff Winter, who's long been in that  
35 particular group. And now we're sending people to follow those cases in the Juvenile  
36 Court and the District Court. The 99 number is the number of individuals who have  
37 been identified since January 1st, to today. It's identified gang members, or verified by  
38 either corrections, the police, or by self-admission, that have been charged with crimes  
39 in the last four and a half months in Montgomery County. So we're trending, I'm not here  
40 to say to you that we have more crime than we had last year. I am here to tell you that  
41 we're doing a better job identifying people at the front end. And the number now is 99,  
42 roughly May 1. Last year we did 77 in an entire calendar year.

43  
44 Councilmember Ervin,



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1 Let me just follow up with another observation and that is, as a mom of two, young  
2 African American males, I know that I've had reports of people who, maybe they're  
3 wearing baggy pants and they're in the wrong neighborhood at the wrong time, getting  
4 harassed, stopped, whatever, by law enforcement officials this idea of who gang  
5 members are and what they look like can ultimately be a problem for people who are  
6 just minding their own business and they just happen to live in the neighborhood. And  
7 so I get really nervous when we keep talking about this gang problem that we have in  
8 Montgomery County. I'm just trying to get a handle on how bad is it and what the  
9 implications of it are for us as we move forward. When I looked at this packet, I was  
10 trying to get a handle on, you know, what are the numbers of crimes related to actual  
11 gang, you know, related to gangs and, you know, it's a two-headed sword. I mean we --  
12 I'm just trying to get a handle on how bad the problem really is and how we, as a  
13 Council, are actually going to get ourselves to the place where we're seeing how much  
14 money is going into prevention, suppression, all of these things for how many -- what's  
15 the percentage of the crime that we're talking about, that we're focusing all our time,  
16 attention, and money on.

17  
18 Mr. McCarthy,

19 I share many of your same concerns. I think being culturally aware that just because  
20 someone is wearing baggy pants aren't necessarily a gang member. The 99 -- the  
21 number cited, these are people that were actually arrested and charged with a criminal  
22 offense. These were not suspected gang members; these were people who were  
23 charged with -- and I have the list with me -- second degree assault, possession of  
24 marijuana, first degree assault, carjacking, armed robbery, robbery with a dangerous  
25 and deadly weapon, domestic violence, firearms regulations violations. I have the cases  
26 and the prosecutors to whom I've assigned the cases. So my 99 is not suspected but  
27 these are people who actually have been arrested and they've been charged when I say  
28 99. I share your concern in terms of because when I was running to become State's  
29 Attorney for Montgomery County, and people asked me the question how much of a  
30 problem do we have of gangs in Montgomery County. I think that was a very legitimate  
31 problem and I think part of the challenge for someone like myself -- and I take some  
32 responsibility trying to answer that in a responsible way for people in the community.  
33 Not to exaggerate it. Not to, you know, but to get real numbers. I think Art Wallenstein at  
34 the jail and the people at the Montgomery County Detention facility have done a great  
35 service because quite candidly, they have begun the way they've been doing some  
36 things at the jail, and Rob Green. I saw him earlier. On any given day, we've talked  
37 about this in Public Safety. On any given day, they're identified self-identified gang  
38 members, about 120 or 125 gang members in the jail on any given day in at the  
39 detention facility in Clarksburg. Now that begs a question, which Mr. Mathis may  
40 comment on in hearings I've been before. If the numbers that publicly sometimes we  
41 talk about, there's roughly about 1,000 identified gang members in Montgomery County.  
42 Do we really believe that, on any given day, roughly 10% of the gang population in  
43 Montgomery County is incarcerated in Clarksburg? I think the answer to that is no. I  
44 don't that that that's -- so I think the problem of identifying those people is a challenge



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1 for all of us. We also don't all use the same definitional terms, which is a challenge in  
2 answering that question. I think we're trying to do a better job. I can tell you I think the  
3 police with their notifications, the people from corrections with Art have been sending us  
4 logs every single day. We've been talking to the schools. We are trying to do a better  
5 job with our definitions and our identifications, and then I can give you a better answer I  
6 think in six months or a year.

7  
8 Ms. McMillan,

9 But I also want to clarify because we had this discussion in Public Safety; Mr. McCarthy  
10 is saying that he's prosecuted these cases that were committed by an identified gang  
11 member. They may not be a crime that ends up being classified as a gang crime. So the  
12 police are reporting gang crimes; criminal behavior that is related to the gang activity.  
13 You could have a gang member who is involved in a domestic violence case that may  
14 not having anything to actually do with something ordered by the gang or gang  
15 affiliation, or they maybe have committed a robbery, but it hasn't been directed to be  
16 done by the gang. But what Mr. McCarthy is in essence trying to do is identify when the  
17 people who come in these cases are gang members. And so what you'll have is sort of  
18 a discrepancy between the discussion of the number of cases that are prosecuted,  
19 where there's an identified gang member, and when you have numbers that you look at,  
20 that talk about gang crime, which is when they classify it because it is driven by the  
21 gang effort. And so I think we need to sort of make sure we keep having that  
22 conversation because they aren't exactly the same thing.

23  
24 Mr. McCarthy,

25 I think Linda said it exactly correctly. But I think that any crime committed by someone  
26 who is affiliated or associated with a gang destabilizes the safety of our community. And  
27 that's why I call it the all crimes approach. I am not simply saying that this crime was  
28 directed by the gang. I'm saying you are a gang member. We've identified you as a  
29 gang member. And in many times, you're self-identified as a gang member. I know Mr.  
30 Knapp -- we're going to be aggressive and we're going to be in your face if you commit  
31 a gang -- if you are a gang member and you commit a crime, we will be there to  
32 aggressively prosecute you and in the all crimes approach addressing those crimes.  
33 That's what we're doing.

34  
35 President Praisner,  
36 Further questions, Valerie?

37  
38 Councilmember Ervin,  
39 No.

40  
41 President Praisner,  
42 Councilmember Elrich.

43  
44 Councilmember Elrich,





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1 Welcome.

2  
3 Mr. McCarthy,  
4 How are you?

5  
6 Councilmember Elrich,  
7 A couple quick questions I have. First, what's the largest gang in Montgomery County?

8  
9 Mr. McCarthy,  
10 It's either the Bloods or MS13. And I think MS13 probably by number, and Bloods  
11 probably second.

12  
13 Councilmember Elrich,  
14 And if somebody sat down with you and said who's the leadership of the gangs, would  
15 you be able to identify that? Or are they too (inaudible)?

16  
17 Mr. McCarthy,  
18 Not, myself personally, but I'm sure that if we talked to our gang units, they could  
19 identify who they believe to be the leadership in those gangs.

20  
21 Councilmember Elrich,  
22 Of the prosecutions you mentioned this year, what percent of the prosecutions that  
23 you're doing is the 99? What percent of the cases you have are those 99 cases?

24  
25 Mr. McCarthy,  
26 We actually looked at some numbers last year. So let me say it to you that we probably  
27 handed 44,000 criminal matters -- I'm sorry, over 40,000 criminal matters of different  
28 types last year. So, again, to put this in perspective, 99 is a relatively small number of  
29 crimes when compared to the overall number of cases handled by my office; if I could  
30 say it that way. Again, which I think -- .

31  
32 Councilmember Elrich,  
33 So which of the 99 are the type ones?

34  
35 Mr. McCarthy,  
36 Well let me say that we indicted last year -- let's say that the estimates that we have is  
37 we probably indite about 125 to 130 gang members for part one offenses last year. We  
38 invited last year 1550 total cases, so it's, you know, one in 14, one in 13, of the indicted  
39 part one offenses. So maybe one in 13 of the most serious crimes committed in  
40 Montgomery County, roughly, would be committed by someone identified by us as a  
41 gang member.

42  
43 Councilmember Elrich,  
44 That 7% or 8% of the crimes, roughly.





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1  
2 Mr. McCarthy,  
3 I'll accept your number.

4  
5 Councilmember Elrich,  
6 Somewhere in that range.

7  
8 Mr. McCarthy,  
9 Yeah, I'll accept that number.

10  
11 Councilmember Elrich,  
12 And then so the other large percent of the crimes in the county are non gang-related?  
13 Or prosecutions (inaudible).

14  
15 Mr. McCarthy,  
16 Absolutely. We had 8,000 people that were stopped for drunk driving last year and the  
17 vast majority of those people were not gang members.

18  
19 Councilmember Elrich,  
20 Okay. Thank you.

21  
22 President Praisner,  
23 It would appear to me that I think these are very important questions that actually would  
24 be helpful for the Council to have answers or conversation about, not just with the  
25 State's Attorney's Office, but with the police present. Also, as we had a conversation  
26 this morning about trying to understand not just the deep end of the issue, meaning the  
27 crime issue, but also the behavior, activity and prevention, early intervention side, so  
28 that because when we first started on this comprehensive gang task force gang  
29 initiatives, you were there, obviously not in this role; but the Council's frustration as  
30 reflected again this morning, is trying to see it in a big picture, understand the priorities  
31 for the pieces, and have some confidence level that the overarching policies, as well as  
32 the priorities by virtue of activity, as well as by virtue of revenue, is laid out in a  
33 comprehensive way that has a goal and a measurement kind of way of looking at it. And  
34 the more with we have this conversation in each iteration, and we'll have it with HHS as  
35 well. The more it appears to me that we suffer from a problem of having multiple  
36 departments and multiple committees coming before the Council in their stove pipe,  
37 rather than having the kind of review that would allow us to look at this in a different  
38 slice. And given the lead responsibilities for Councilmember Elrich, as well as some of  
39 the other focuses that councils and committees have, what I'd like to take the liberty of  
40 doing is talking with and working with Councilmembers to identify an afternoon or a time  
41 period where we might take this issue and have our staff develop the kinds of  
42 documents going backwards to what we did initially with the gang task force materials,  
43 but also to have a more comprehensive conversation with the different agencies about  
44 where they are, what their focus is, how this is integrated, and also have a conversation



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1 as well with the Executive in his role with the gang task force initiatives to try to  
2 understand where we are and where we're going.

3  
4 Mr. McCarthy,  
5 May I say that I think it's an excellent idea? I do want to comment. I think the County  
6 Executive, about two weeks ago we had -- there was a County Executive Steering  
7 Committee on gang awareness.

8  
9 President Praisner,  
10 Yes.

11  
12 Mr. McCarthy,  
13 And at that particular meeting, Ms. Praisner, it almost falls in line with exactly what  
14 you're saying. At that time HHS was present, Recreations was present, the County  
15 Executive's office was present. We were present. And all of the component players to  
16 try to make sure that were represented from the school system there to try to -- I think  
17 we are trying to engage in an intelligent dialogue to realize that I don't believe with a  
18 stove pipe fashion we can deal with this issue. Every agency needs to know what the  
19 others are doing. And I am encouraged at least in my brief time as State's Attorney that  
20 people seem to be talking to one another. And I welcome those conversations and  
21 would welcome a presentation before the Council.

22  
23 Councilmember Andrews,  
24 Right. And that's what we're continuing to do. We did have a meeting a few weeks back,  
25 a month and a half or so ago, of the Public Safety and HHS committees to do exactly  
26 that, and we had a wide assortment of agencies here, and so we began it in some way  
27 there. I've seen -- over the years, I've seen increasingly good cooperation between the  
28 Public Safety agencies and HHS on a variety of issues and that needs to continue and I  
29 think we're seeing that take place. But we need to continue to have that kind of  
30 approach. I know that Councilmember Elrich is very interested in that as well and we'll  
31 schedule -- I'll work with Marc Elrich to schedule another meeting after the budget to  
32 come back and look at this again with HHS Committee and many others.

33  
34 President Praisner,  
35 Actually, what I want to do is allow the committees to make whatever comments, but I  
36 actually think we need a full Council meeting on this because it is that there are two  
37 committees that may be involved in HHS and Public Safety, but there are others of us  
38 who are not and we get these piecemeal and it would be helpful, I think, to set aside an  
39 afternoon to have that conversation.

40  
41 Councilmember Elrich,  
42 Two things in response to that. One is it would be really good if we didn't just rely on  
43 staff to ask the questions, but if everybody whose got questions were to put them in and  
44 give staff a chance and the departments a chance to answer them. Because the thing



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1 that's really frustrating is to ask questions here and when people just aren't prepared  
2 and haven't looked at the data then it looks like, you know, people don't know, and the  
3 reality is they're not prepared for those questions. So I think everybody needs to  
4 contribute to putting the questions upfront. The other thing is the issue about bringing all  
5 the departments together. It is my great frustration that we don't have a sense of what  
6 everybody's doing. I'll say this again. What I wish would happen was every department  
7 was forced to sit in a big room with (inaudible) paper walls and white paper, and people  
8 would just go across the County program by program, and say what do you do, you  
9 know, how does it fit. And then once and for all, get this put into some kind of database  
10 where if you plugged in -- it's something Valerie and I were looking at this program in  
11 D.C.; you plugged in a zip code or a district and said what programs exist in this district  
12 for youths, for health, for whatever. And you would get a list of what those programs  
13 were. And this is clearly not an issue just of this department, but it's an issue all the way  
14 across. Because we've got all these initiatives and I don't know if everybody really  
15 knows how they all fit together.

16  
17 President Praisner,

18 Just to comment on that. Two pieces of that are the technology to be able to do it. So, I  
19 remind Councilmembers about the GIS system needs in order to be able to tie that to  
20 maps and zip codes. If it's not updated and if we don't have the technology, we can't.  
21 The other piece, I would remind folks, is that you can't do this just once because many  
22 of these programs are community-based and they change every year.

23  
24 Councilmember Elrich,  
25 Right.

26  
27 President Praisner,

28 And they are effective only by virtue of the leadership of those entities and leadership  
29 changes, so, as well as gang activity or just community activity.

30  
31 Councilmember Elrich,  
32 Everything changes.

33  
34 President Praisner,

35 The rec program that was step may be effective one year, and then folks from a fad  
36 perspective aren't interested in that any more, so you could be offering it, but it's not  
37 effective. So I think we need to be more facile in both knowing where we are and  
38 planning where we're going. Let's get back to the budget.

39  
40 Councilmember Andrews,

41 And just a concluding comment on this. What the county has been attempting to do is  
42 get the right response or responses, the right collection of responses to this challenge.  
43 And we're seeing the reason there's been so much attention to it is because this is  
44 where we've seen a change over the past few years. And so, because it's been so



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1 significant in terms of what people have noticed, there's been a response from different  
2 agencies and different areas and, you know, we want to continue to make sure this  
3 remains a small part of the crime in Montgomery County and stay ahead of it. And keep  
4 it to a manageable level. This is a big part of what this is, is getting to that right-sized  
5 effort and putting in strategies to address it before it gets to be a problem, as well as to  
6 have enough resources to suppress it when it gets out of control. Okay. A couple other  
7 things in this budget. I wanted to have John McCarthy talk briefly about the DNA  
8 challenge and also what you're doing in the area of domestic violence, or Chase has  
9 been the point person there.

10  
11 Mr. McCarthy,

12 In terms of DNA, the world has really changed in the last 20 years. People probably  
13 remember that there were two DNA labs in the United States in 1988 and one of them  
14 just happened to be in our backyard. (inaudible) and as a result, we here in Montgomery  
15 County were very much ahead of the curve and among the first prosecutors offices in  
16 the country that used DNA evidence. But at the time we needed sample sizes that were  
17 quite large. We now get to a point where people shed epithelial cells where they sit and  
18 there's potentials just by virtue of sitting in a chair or touching a bottle or drinking. You're  
19 leaving your DNA behind. We've literally gotten a point where we really had the  
20 potential for doing DNA in very few cases, now we have the potential of doing DNA in  
21 almost every case. We are just really struggling to stay with the demands in the CSI  
22 world of meeting the expectations of juries and the expectations of judges and people in  
23 doing the DNA. I think that Councilman Andrews is well aware of this. I know he's with  
24 the CJCC and a member of Public Safety. It's been a challenge for the police to get  
25 staffed properly, to get their labs up operationally because there are delays that  
26 sometimes effect jail populations. There are delays that affect our ability to maybe  
27 remove people from the streets because people may com and say, you know, Mr.  
28 McCarthy, we'd like to issue an arrest warrant for John McCarthy. We think he  
29 committed a crime. Well, did you do the DNA yet? And the answers no and until the  
30 DNA is done we may not have the sufficient probable cause to do the arrest. So there's  
31 -- it's a public safety issue. There's delays and personal liberty issues if person are  
32 being delayed too long in jail because the DNA is not done, but there's also public  
33 safety issues if a person who is a danger to the community, remains in the community  
34 when they should be removed, but we're waiting for the DNA to be tested before we can  
35 arrest them. So we're well aware of this problem. It's something I've briefed the CJCC  
36 on two and a half years ago. I saw it. It was coming. But I think hopefully there have  
37 been some -- we're going to go from two analysts to maybe about five by the end of the  
38 summer, so hopefully we'll be able to do this more readily. It is an enormous challenge  
39 and one that will grow, not one that's going shrink. Because as the science advances  
40 the demands will grow greater and greater. I'd yield to Laura. Let Laura talk about  
41 domestic violence.

42  
43 Ms. McMillan,



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1 Can I just add one thing though on the DNA, because we didn't get to talk about it with  
2 the police department, but it was an item for discussion. They have expanded the lab  
3 within headquarters and moved some folks out so the staffing will improve and the  
4 Council had approved the additional staffing in '07 to do that. But I think that the point  
5 that Chief Manger has made is that sort of an average case takes probably 45 or 50  
6 hours of someone's time, not a half an hour like people see on television. And so it's a  
7 substantial amount of time just on an average case, you know, it can take like 45 or 50  
8 hours to do the analysis.

9  
10 Mr. McCarthy,

11 And the problem, again, I agree. The problem that we're having in Montgomery County  
12 is a national problem. This is not unique to Montgomery County that there's a crisis in  
13 proceeding and getting DNA done. Labs across the country are backed up. But again,  
14 we're trying to meet that challenge. But it affects everybody in the criminal justice  
15 system. Every participant from the courts to the public defender's office to the  
16 prosecutor are affected by that delay.

17  
18 President Praisner,

19 Okay, we need to get back to the budget.

20  
21 Councilmember Andrews,

22 Well, we're going to have one more comment on domestic violence and what's going on  
23 there with Laura Chase, and then we'll get back to the budget.

24  
25 Ms. Chase,

26 Thank you, Laura Chase. It's interesting listening to the gang conversation, because it  
27 takes me back to several years ago when the focus was really on domestic violence  
28 and some of the same types of questions are coming forward and the focus on that  
29 issue. And we were able to very successfully, I think, address a lot of the gaps in the  
30 system across the agencies and we have come very far in working together to combat  
31 the problem of domestic violence in the community and address the public safety  
32 issues, holding offenders accountable and providing services to victims. Our focus right  
33 now really isn't a strong focus on resources within -- to adding resources to our office for  
34 that because we've done that over the last few years. Right now it is really working  
35 collaboratively with other agencies in the domestic violence fatality review team and the  
36 domestic violence coordinating council and the alert team that focuses on (inaudible)  
37 questions with regards to domestic violence cases, and also with our joint grant  
38 applications that we've done. We've been able to get a lot of resources through grant  
39 money. We continue to do that. Those grants keep being provided to us year after year  
40 because we're doing a good job on that. And we'll continue to do that. I know in the  
41 budget packet it references the grant that we are doing jointly with the sheriff's office.  
42 Hannah Sassoon has done a spectacular job and JoAnn on the budget with regards to  
43 that. And we expect that to continue for a number of years and we're focusing on the  
44 increase and the exparte orders that are being obtained, which is a good thing. Victims





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1 know that they have a resource to go to and get some court protection. We're focusing  
2 on the prosecution of those violations and also stalking types of cases.

3  
4 Councilmember Andrews,  
5 That's part of the \$1.5 million grant?

6  
7 Ms. Chase,  
8 Yes.

9  
10 Councilmember Andrew,  
11 The \$1.2 million -- I guess 1.5 was (inaudible). Yeah, that was quite a substantial grant  
12 and it has the promise of several years at least of support. And that was one of the  
13 largest awards in the country, I believe. And it has helped several agencies. In terms of  
14 the budget, Madam President, we talked about the addition of the two gang  
15 prosecutors. The police department, we're picking up the cost, one-half work year for  
16 the State's Attorney is going to be instructing at the academy to bring consistency to  
17 teaching criminal law to recruits and in-service officers there. There are some minor  
18 adjustments. There are a couple of items on the reconciliation list. One, a special  
19 investigator for economic crimes at \$80,000. And \$22,000 for additional funds for a  
20 senior technology specialists. We agreed with the MFP Committee about having a  
21 technology person based in the State's Attorneys Office, rather than DTS to serve them  
22 in terms of improving responsiveness. Let me see if there are questions about any of  
23 the other budget items, or if Linda has anything else she wants to say.

24  
25 President Praisner,  
26 Just reflecting on this, the more I've thought about it, Alex, at some point, I would like to  
27 have a conversation with OMB about when we continue to say that one department is  
28 funding another position in another department. Unless that department is taking it from  
29 current funds and doing it mid year or whatever, and unless it's a different source of  
30 revenue, I don't see why we go through this Machination of saying one department is  
31 funding another. If it's all tax dollars, why aren't we just saying we're increasing the  
32 State's Attorneys Office by X positions in order to provide this function? And it's the  
33 same thing with police overtime being absorbed in the Library Department or whatever.  
34 I don't think, unless they have a separate source of funding, like liquor. Liquor funds  
35 certain things because the revenue from that is not tax-supported. I really want us to  
36 look in the budgeting over the coming year at true reconciliation of positions and funding  
37 so that we don't have one department generously funding or requiring so that it funds. If  
38 the Executive believes that the State's Attorney position needs to spend X amount of  
39 time in the academy, and the State's Attorney believes that too, then a halftime of that  
40 person's time is assigned that way, but not that the police or fire funded or that it  
41 appears in some other place. We really need to look at that from a program -- unless  
42 we're going program budgets and then we should really do it and show what the  
43 program for training at the academy is and show every piece or whatever.





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1 Eric Carzon,  
2 Yeah, we can look at that.

3  
4 President Praisner,  
5 I hope we can look at that issue in the future because I think we've gone a little  
6 overboard about it.

7 Eric Carzon,  
8 It does tend to complicate things a little bit as well. Generally speaking, I would agree  
9 with that approach and the tax-supported budgets.

10  
11 President Praisner,  
12 Thank you. Councilmember Knapp wanted to comment, I think.

13  
14 Vice President Knapp,  
15 Following on your comments, Mrs. Praisner, as it relates to kind of general overview  
16 things. First of all, I just want to thank the States Attorney and the whole team because I  
17 very much enjoyed our discussions both on the budget and prior to that. And I think I  
18 very much like the focus and I like your forthrightness, I think there a lot of issues out,  
19 but most importantly we need to be able to talk about them in a very honest and open  
20 way, and I think you're all doing that and I appreciate that. The question I have is more  
21 OMB related. It just happened to be the State's Attorney budget that we looked at first to  
22 figure it out. And so we were going through, and I appreciate you coming over yesterday  
23 to kind of walk through some numbers with us. As everyone knows in the budget there  
24 are about 380 work years -- additional years, which translated to about 504 additional  
25 positions for the whole for the County budget. As we were trying to do the crosswalk  
26 and make the pieces fit. And so if you look on Circle 4 in the packet, on the budget  
27 summary page, it says, "budget FY07 100 full-time work years for State's Attorney and  
28 recommended in FY'08 is 108 work years." And so if you look at what we've got, we've  
29 only got the 1.6 additional positions or additional work years. The two new positions  
30 related to gang prosecutor, and if you look at future cost for annualization for FY09 the  
31 remaining .4 work year. But that means there's six bodies some place that don't show  
32 up in the County tax-supported budget. And so we're just trying to get a sense of where  
33 and how -- who they are. Now that's not saying it for you so much as I think it's probably  
34 for OMB.

35  
36 Unidentified,  
37 Right. Well, we could probably do that.

38  
39 Councilmember Knapp,  
40 Okay.

41  
42 Unidentified,  
43 Offline for you.



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1 Councilmember Knapp,  
2 Okay. I wanted to put it out there because we just started looking at it at noon today and  
3 you just happened to be the first budget we started with and the first one we looked at.  
4 We couldn't get the numbers to add up.

5  
6 Unidentified,  
7 Some of them are charged out -- funding sources outside of this budget like the drug  
8 enforcement fund.

9  
10 Councilmember Andrews,  
11 But no, we're just looking at tax-supported.

12  
13 President Praisner,  
14 This is county general?

15  
16 Councilmember Knapp,  
17 This is county general fund. We're trying to look at apples to apples comparisons and so  
18 we couldn't even get the apples to apples add up.

19  
20 President Praisner,  
21 Well we had this issue with Park and Planning, as you recall, when we talked about  
22 work years and personnel, because work years are not necessarily the same thing as  
23 personnel.

24  
25 Councilmember Knapp,  
26 Right. And that's what we're trying to tease out and so we tried to go back to the actual  
27 positions and we couldn't even get those pieces to add up. So we just wanted -- .

28  
29 President Praisner,  
30 That's where I find the personnel complement information more useful than this page  
31 because it goes over a variety of more information than that because you subtract out  
32 things that are charged elsewhere and lapse in other pieces.

33  
34 Councilmember Knapp,  
35 We're just trying to get a handle what the (inaudible) going into next year, so I just  
36 wanted to raise it. And I don't know, and we talked to Linda about it a little bit and it  
37 didn't add up from that side either. And so we may end up having this question a couple  
38 more times as we try to make the other pieces fit. Thanks.

39  
40 President Praisner,  
41 Well, it would be helpful if we could get some kind of a generic rather than a specific for  
42 one Councilmember answer, but if you could provide that rationale for everyone, then  
43 we could understand. Using this budget as an example. All right. I don't see any other  
44 questions.



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Councilmember Andrews,

I'd just add that the Tenth Anniversary Team Court was just celebrated. That was an initiative from the State's Attorneys Office and it was a very successful program as it exposed thousands of teens to the court system and helped educate them about how the jury system works, how the court system works. And probably has kept some of the folks who have gone before the Teen Court from going before another court.

Mr. McCarthy,

Thank you very much. It was a great celebration and I think and several members of the Council came over when we had our tenth anniversary, yourself included. And we appreciate the support of the Council to the Teen Court Program. If I could, I would just like to, if I could address one thing and that would just simply be -- and there is the Senior Information Technology Specialist that's in the budget. I think that it's been recommended by Public Safety that it would be transferred from the DTS to the State's Attorneys budget and I would very much respectfully request, and I know that it's requested that it go to the reconciliation list, that we be permitted to do that by July 1st and hire that individual. We are ready to do that hiring. We started proof of concept on this program on April 23rd. And it's my understanding that the contract negotiations are ongoing, the terms and conditions are being worked on today. We're sending our individual to training. He'll be back and ready to go July 1st. I would respectfully request that if there was any way to take us off of the reconciliation list.

President Praisner,

Not at this time because it has to be done in conjunction with the rest of the budget review. But you'll know by May 24th.

Mr. McCarthy,

Okay. I would urge your support then at those reconciliation sessions that at that 0.2 work year so that we could get that person in place. I know Ms. Praisner made that comment before. We deferred on this matter last year and we have been anxiously awaiting this case management system for as long as eight years, and I think the time has finally come. We're going to get it in place and we'd like to start as soon as possible.

President Praisner,

Okay. All of that should be known unless we have a meltdown within a couple of weeks.

Councilmember Andrews,

He's a pretty good advocate and I should try.

President Praisner,

Yeah, he is. Let's move -- thank you very much. It's good to see you all.



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1 Mr. McCarthy,  
2 Thank you very much. Have a nice day.

3  
4 President Praisner,  
5 Now, let's invite the Sheriff to join us and move to the Sheriff's Budget. Sheriff Kight,  
6 welcome.

7  
8 Councilmember Andrews,  
9 Welcome. Welcome everybody. Let's have the folks who have just come to the table  
10 introduce themselves for people listening in and watching.

11  
12 Unidentified,  
13 (Inaudible) Sheriff's Office.

14  
15 President Praisner,  
16 You know what, nobody could pick that up. And the folks who have to do the language  
17 translation of what folks said will have trouble with the names and it will come out so  
18 convoluted.

19  
20 Councilmember Andrews,  
21 Speak clearly into the mike.

22  
23 President Praisner,  
24 Please and slowly.

25  
26 Mr. Espionosan,  
27 Alex Espionosan, OMB.

28  
29 Mr. Piesen,  
30 Ed Piesen, OMB.

31  
32 Ms. Ricchiuti,  
33 JoAnn Ricchiuti, Sheriff's Office.

34  
35 Sheriff Kight,  
36 Ray Kight, Sheriff.

37  
38 Mr. Popkin,  
39 Daren Popkin, Sheriff's Office.

40  
41 Councilmember Andrews,  
42 Thank you. Let me ask Sheriff Kight if he has any opening comments.

43  
44 Sheriff Kight,



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1 I know you referred to Mr. McCarthy as the new State's Attorney. Well, I'm the old  
2 Sheriff. I've been around a long time for 20 years. I've read the packet over extensively  
3 and I appreciate the efforts of the Public Safety Committee and their recommendations  
4 and I concur with them. And we're here to answer any questions that you have.

5  
6 Councilmember Andrews,

7 Okay. This is a very straight forward budget in a sense that there's not much change  
8 from the current year. The thing I would draw attention to is the reconciliation list item of  
9 \$131,000 to provide for four recruits to come on in the January 2008 recruit class so  
10 that the Sheriff can stay up to compliment to fill positions that occur from attrition  
11 throughout the year. This is part of what we talked about yesterday with the police  
12 budget and why it's so important to even out the recruit classes, because if we don't,  
13 there won't be room for these positions or for park police or for other police departments  
14 in the county. And that's especially true if the police department is successful in filling --  
15 the county police -- in all the positions that they're currently planning to do for the  
16 January class of 62. So again that's why we need to even those classes out through the  
17 reconciliation list to provide room for these officers -- for these deputies here. The  
18 department received a very substantial grant last year that was referred to by Laura  
19 Chase, the State's Attorney Office, is a part of. But it's a grant that is based in the  
20 sheriff's office, with the Domestic Violence Coordinator, Hannah Sassoon, of \$1.2  
21 million, that has provided enhanced services both in the sheriff's office and in other  
22 agencies. For many years, the office the sheriff has led the way in this area and worked  
23 to ensure that exparte orders are delivered, notices are delivered and summons and so  
24 on, as quickly as possible. That we're well plugged into other databases to reduce the  
25 possibility that if someone doesn't find out in time, they could be in trouble. That said,  
26 there's no guarantee that goes with those pieces of paper that the protection is  
27 absolute. But the delivery of the information and the wellness checks that are done by  
28 the office and all the work that's been done through the coordinator, Hannah Sassoon,  
29 and the work with the other agencies, has to mark this agency as one that has been at  
30 the forefront of domestic violence response for a number of years. So, thanks for your  
31 continuing efforts there and excellent progress in that area. In terms of the items, again,  
32 the major changes are starting on page four: two lieutenants for courtroom security,  
33 \$95,000 total there. On the reconciliation lists, again, the recruit class is the key item  
34 there, to bring four deputies on in the January class. There's a small item of \$30,000 for  
35 security equipment, and the overtime numbers are laid out there. Sheriff, why don't you  
36 talk just a little bit about the status of the fleet?

37  
38 Sheriff Kight,

39 Yes, sir. Well your packet explains it pretty well. We have a number of cars with a lot of  
40 mileage on them. They're between, I think 10 and 14 years old, and probably the oldest  
41 vehicles in the county fleet and I believe the Public Safety Committee is going to look at  
42 that in a few weeks after we get some information together regarding our entire fleet,  
43 whether or not those cars should be replaced and maybe some other vehicles properly  
44 funded.



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1  
2 Councilmember Andrews,  
3 Okay.

4  
5 Sheriff Kight,  
6 Seems like you never have enough vehicles to get the job done, but I think with five, it'll  
7 certainly go a long way in making us more responsive to our duties that we perform.

8  
9 Councilmember Andrews,  
10 Okay. This is something that I think we indicated we would come back to. We heard the  
11 concern about it. It wasn't in the County Executive's Budget, and we're going to  
12 schedule a work session after the budget to come back on that one. The Safe Start  
13 program which was an initiative of our former colleague Mike Subin has been in place a  
14 couple of years now, to provide help to children who witness domestic violence. The  
15 program appears to be going very well. Do you have any comments you want to make  
16 about that?

17  
18 Ms. Ricchiuti,  
19 Um, just -- we've -- Hannah Sassoon and I kind of did a briefing for the Public Safety  
20 Committee and most of the information that we presented is in the back of your packet.  
21 It's a very successful program. We have a vendor that's working with us that provides  
22 excellent services to the victims' children. The good thing about it is we're able to match  
23 Medicaid dollars with County funds. So we're using the funds to the better capabilities.  
24 Also we've also been able to work to incorporate these sessions for the children with  
25 sessions that are provided for the mother or the victims at some of the other community  
26 centers. I think it's working very well. We're anticipating this year that we're going over  
27 100,000 and we're going to come back later to kind of look to see where we are in FY08  
28 and if that 100,000 is still the correct funding amount.

29  
30 Councilmember Andrews,  
31 Significant item here at the top of page seven is the 71% or 72% of the children that are  
32 referred now are being treated, which is up from about 50% two years ago. So the  
33 utilization of the program has increased and the briefing that we had on this was very  
34 encouraging in terms of the results.

35  
36 Ms. Ricchiuti,  
37 Not only the children, we're referring more children and a larger percentage of them are  
38 attending. So it's twofold. Also, Hannah had a meeting with the judges just this past  
39 week and they're very encouraged about trying to incorporate some of the need for this  
40 into court orders. So that isn't in the current workload that we have right now. So we'll  
41 be monitoring that, also to see if there's a change. And I think your friend, Mike Subin, is  
42 drafting a prototype document for the judges to actually use for sending on the referrals.  
43 So his fingers are still in it.





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1 Councilmember Andrews,  
2 Not surprised. I'm sure.

3  
4 Ms. Ricchiuti,  
5 I think he now works for the Sheriff's Office too. He's Hannah's best friend.

6  
7 Councilmember Andrews,  
8 I just wanted to thank you because in the presentation you gave to the Public Safety  
9 Committee I thought was very compelling. We get to this time in the year to go through  
10 all the various programs that the County administers and with the \$100,000 that you've  
11 used to do this, the amount of prevention that is being undertaken and reaching a  
12 clearly underserved group, but as we've talked about Ms. Ervin raised this morning in  
13 the Education Committee, others have talked about throughout the day, you know,  
14 where are the best places to intervene and identify opportunities. For \$100,000, the  
15 number of children that you are identifying, that you're working with, who heretofore  
16 really hadn't even been addressed at all I think is very impressive. And so when I look at  
17 how much were spending on some programs what we're not sure of the effectiveness of  
18 those, what you're doing for \$100,000 I think is great. And so I would encourage you if  
19 you need some additional resources because we're talking about, as we discussed,  
20 we're talking about another \$30,000 or \$40,000. Don't hesitate for all the other things  
21 that we're going to end up looking at funding and supplementals or other activities  
22 through the course of the year. That \$30,000 or \$40,000 will go a long way to help some  
23 very challenged youth. And I would just note at the end of the packet, page 7, the  
24 program measures to give some specifics to what I was saying earlier about the work in  
25 domestic violence. The Sheriff's Office both (inaudible) service of interim and temporary  
26 protective orders and (inaudible) within 12 hours, 100% of the time, 80% of the time, an  
27 attempt to serve is made within six hours. The data indicate that over the past five years  
28 or four years, between 76 and 79% of these orders are successfully served. That gives  
29 an indication of how quickly the response is done by the office.

30  
31 President Praisner,  
32 Ms. Trachtenberg has a question.

33  
34 Councilmember Trachtenberg,  
35 Actually, I don't have a question. I think most you know that I have a very personal  
36 interest in domestic violence programming and I've certainly worked as an advocate on  
37 the issue for a number of years. And I just simply want to say that this is one of those  
38 investments for the County, which is golden. I really believe that the department, the  
39 Sheriff's Department, has done an excellent job over the year of responding to the  
40 growing challenges that we have in this area. And I can remember 15 years ago, when  
41 working with women, there was very little available for their children and that was  
42 always an issue for me and for others like me. And over the years that's changed and  
43 this program is really quite spectacular -- the Safe Start Program, and I just really want



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1 to thank the Sheriff's Department and in particular the Sheriff and his staff for doing an  
2 excellent job of tracking the needs of the community and responding to them.

3  
4 Councilmember Andrews,  
5 Okay. No other questions. All right. Well, thank you very much.

6  
7 Sheriff Kight,  
8 You're welcome. Thank you, all.

9  
10 Councilmember Andrews,  
11 Okay, our next budget is the Department of Correction and Rehabilitation. And we've  
12 got a -- the leadership team here. I saw them downstairs again. They're always  
13 preparing. I've had the pleasure of working with the leaders of this department now for a  
14 number of years and I would be surprised if there's a better leadership team of the  
15 Correction Department anywhere in the United States. So we've got so many interesting  
16 and important initiatives underway in this department that are making a difference and  
17 we're seeing results from. I know that Art Wallenstein wanted to take a minute or two at  
18 the beginning of this to let us know about a couple of people who have received  
19 exceptional recognition.

20  
21 Mr. Wallenstein,  
22 Thank you very much. This will be brief and hopefully very direct. I wonder if Joan  
23 Deacon and Andre Stepp will come down and have a seat right at the end of the table,  
24 and we'll do this very, very briefly. Joan Deacon, who is a 35-year veteran of County  
25 Service, all of the libraries, all that time with libraries; six years at various assignments  
26 followed by 16 years in Damascus and 13 years in the correctional system, has just  
27 received the Civilian Employee of the Year from the American Jail Association. This is  
28 no small honor. There are thousands of members of the American Jail Association. She  
29 was nominated by Rob Green and her colleagues, Arthur Hamilton, and was selected  
30 and we learned about it a month ago. County Executive represented her with the  
31 certificate, but she will be taken at their expense -- actually no we're paying for it  
32 because we don't want vendors paying for it -- to Nashville and will receive this in front  
33 of several thousand people at the conference in May.

34  
35 President Praisner,  
36 Awesome.

37  
38 Mr. Wallenstein,  
39 A word or two?

40  
41 Ms. Deacon,  
42 I brought you all some show and tell.

43  
44 Mr. Wallenstein,



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1 You can give them to Linda and she'll pass them out. It's the lead article in American  
2 Jails Magazine, actually. It's really quite nice.

3  
4 Councilmember Andrews,  
5 Great work.

6  
7 Ms. Deacon,  
8 Thank you. The first is the article.

9  
10 Mr. Wallenstein,  
11 Push one more time. There you go.

12  
13 Ms. Deacon,  
14 Okay. First, is a copy of the article itself. And then I thought I would show you two  
15 pieces that I'm taking to the conference. And the one will be a small poster. And this is  
16 the one actually that I like the best; the one showing just the individual reading. And that  
17 will be a postcard and on the back, is information about contact information for  
18 Department of Libraries and Department of Corrections and also, the tagline that we're  
19 celebrating 35 years of partnership.

20  
21 President Praisner,  
22 Wonderful.

23  
24 Ms. Deacon,  
25 So, which I think is a wonderful thing.

26  
27 President Praisner,  
28 Well, you're obviously terrific too.

29  
30 Ms. Deacon,  
31 Oh!

32  
33 President Praisner,  
34 No, it's true. Otherwise you wouldn't have received this recognition.

35  
36 Ms. Wallenstein,  
37 This is a calling and a dedication and an all-consuming passion of Joan Deacon that  
38 impacts every aspect of the jail at a very low cost. And frankly, it's pretty unique and I  
39 wanted Joan to be recognized before the entire Council. And thank you for coming.

40  
41 Unidentified,  
42 Thank you.

43  
44 Mr. Wallenstein,



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1 The employee of the year for our department is Andre Stepp. And Andre will receive his  
2 award at the Maryland Correctional Administrators Association meeting at the end of the  
3 month in Ocean City. Andre is a resident supervisor and for new Councilmembers, that  
4 is the core security position at our prerelease and reentry operation. And of course  
5 that's a place with no walls and lots of doors. Okay? So it's a whole different focus.  
6 Andre was selected because he's handled all of our court engagement from the  
7 prerelease center. We are rather ruthless in charging people for escape. We don't use  
8 the word walk away as veteran Councilmembers know. If you're gone for a minute or  
9 two days, you're an escapee. And our goal is to nail it so we don't have serious  
10 problems in the community. Andre has built a strong rapport with the Courts. This is not  
11 seen as non-valued-added work. The Courts now accept it and Andre is our link to the  
12 Circuit Court system and he's done a great job. He also handles the registration of all  
13 sex offenders and also does a full-time job as a security staff member on the floor at the  
14 prerelease center. So congratulations to Andre.

15  
16 Mr. Stepp,

17 I'd just like to say I was truly surprised that I won this award. I work with a very talented  
18 group, so like, again, I was truly surprised. Again, I'm honored. I'd like to thank the  
19 County Council for your continued support for what I think makes us the leading  
20 organization of reentry services in the country. So I'd like to say thank you to everyone  
21 here.

22  
23 Mr. Wallenstein,

24 Thank you to the Council. And folks you can join us in the back or hit the road. Okay?

25  
26 President Praisner,

27 I want to say while they're here that it's always a pleasure for me, as I get a chance to  
28 travel this country and interact with county elected officials across the country, to hear  
29 especially when I'm at the Justice and Public Safety Steering Committee for the  
30 National Association of Counties, folks are always asking what Montgomery County is  
31 doing. And they provide the kind of respect and attention to Art Wallenstein, that I  
32 believe he deserves, but also, it's a reflection of everything that you do everyday too.  
33 Because we all know that one person doesn't make an organization. It's all of the  
34 people in that and this opportunity to recognize two of our members, our family is very  
35 important. It's a little bit of what Art is like, obviously. But it's also a lot about what you're  
36 like. So, thank you all very much. Congratulations.

37  
38 Councilmember Andrews,

39 Okay. We should introduce ourselves for the record, I guess?

40  
41 President Praisner,

42 Councilmember Ervin wanted to make a comment, and then we'll go -- we'll start with  
43 Alex (inaudible).



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1 Councilmember Ervin,

2 I just wanted to comment before Ms. Deacon leaves the room how much I appreciate  
3 this article. I've been perusing it really very quickly. But this follows on the heels of a  
4 conversation we had this morning in the Education Committee about how all of the  
5 issues surrounding children who don't do well in school and how many of them end up  
6 in the criminal justice system. Many of whom probably don't read well. The fact that you  
7 have offered this opportunity for them in this setting to pick up books and engage  
8 themselves again in the lifelong pursuit, I think, of learning. And so this is something  
9 that I want to keep bringing back, and I said this to the committee this morning. I'm  
10 never going to get off this subject because we've been talking about these silos every  
11 since I got elected to Council. That there are connective tissue throughout our system  
12 that connects our young people early, all the way through as adults. And these  
13 offenders have a lot in common. But I really, really appreciate the work that you're  
14 doing. I think it's so incredibly important. We had a conversation earlier about libraries  
15 and about who is inside the libraries. Sometimes we want them there. Sometimes we  
16 don't want them there. But we have to figure out a way to capture what's missing in the  
17 lives of these folks that live in our County. And I compliment both of you for your work.

18  
19 President Praisner,

20 Okay. We will now, if Alex, we can start with you and go down the line and folks  
21 introduce themselves.

22  
23 Ms. Espionosan,

24 Alex Espionosan, OMB.

25  
26 Mr. Piesen,

27 Ed Piesen, OMB.

28  
29 Mr. Wallenstein,

30 Art Wallenstein, Correction and Rehabilitation.

31  
32 Mr. Hadeed,

33 Paul Hadeed, Corrections and Rehabilitation.

34  
35 Mr. Wulff,

36 And Mark Wulff, Correction and Rehabilitation.

37  
38 Mr. Wallenstein,

39 For the record and new Councilmembers, Paul Hadeed is your Fiscal Manager and he  
40 works with and for Mark Wulff, who is a Chief of Management Services, and our other  
41 division chiefs are here if there is a specific issue needed.

42  
43 Councilmember Andrews,

44 Okay, any opening comments, Art?



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1  
2 Mr. Wallenstein,  
3 None. We are eager for questions.

4  
5 President Praisner,  
6 Typical Art.

7  
8 Councilmember Andrews,

9 All right. Well, as I said, this is a great team in place, running this department. And  
10 making a difference to our residents and truly doing everything possible to make it one  
11 stop for the folks that are in the facility now so that they can get back on the path to  
12 being productive citizens and contributing members to the community. And their efforts  
13 in reentry services, we've just heard a little bit about. There's a great deal of information  
14 available in the packet and in other places about the different reentry programs that the  
15 department has. In terms of the pretrial programs, which are also very significant, in  
16 which we added a person to specifically look at whether some of the individuals in the  
17 pretrial phase don't need to be incarcerated and with the hope that in finding some, we  
18 could reduce the pressure that existed in the past few months that required the opening  
19 of the last pod at the jail, which carries a fair amount of cost. The good news is while  
20 there was a significant spike last summer in the average daily jail population that went  
21 up over 100 in about four months, which is the biggest spike in the facility's history, that  
22 it's receded about two-thirds of the way back to where it was. There's still a slow upward  
23 trend line, but it's not dramatic right now. And at this point, because of the change in  
24 that spike and it's leveling off and slight reduction, the committee was able to  
25 recommend a reduction of five correctional officers that were requested in the budget  
26 that had been requested for that purpose to keep that pod open. So that is a savings of  
27 \$265,000 that we think is likely to hold, based on the trend line we see and based on  
28 what we hope will be some good results in finding people in the pretrial phase who can  
29 be diverted out back into the community safely to the community. And that's part of the -  
30 - I use that as an example of how the department and how Linda McMillan of our staff  
31 who has worked on this staff a long time, are constantly thinking creatively about how to  
32 maximize the resources that we have and to minimize the cost in a way that benefits the  
33 community and does not pose a danger to public safety. So I think that's a good  
34 example of that combination of work. In terms of the staffing for the -- and the breakout  
35 of the jail, if you look at page 5 of the packet, you'll see how many beds are dedicated  
36 for different purposes. And you can see there are some limits on how much flexibility  
37 there can be at the jail because there are a certain number set aside in the female units  
38 for prisoners that need to be -- offenders that need to be segregated from others for  
39 security reasons, and so on. So that gives you a sense of how much flexibility there is  
40 and the limits of flexibility in terms of allocation within the facility. The overtime number  
41 on page 6 is a number that we're still working to refine. But this is our best number at  
42 this point. The department went through an exhaustive analysis a year to two go to  
43 come up with a shift-relief factor. The department has a very specific number of posts  
44 that must be staffed by overtime or by regular position. They must be filled regardless.





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1 And we added full-time staff in order to minimize the amount of overtime that being used  
2 to fill the posts. But overtime is always a factor in public safety agencies and sometimes  
3 cheaper than the alternative, and sometimes the only alternative because of the lack of  
4 ability to bring people on very quickly in a correctional setting, or in fire and rescue or  
5 police, for that matter. So there are certain limits to flexibility there. But the posts have to  
6 be filled and in some ways the department has a more predictable number than fire and  
7 rescue or police will have. So let me see if Linda has any comments on overtime.

8  
9 Ms. McMillan,

10 As a part of last year's budget, so in this current year, the department is keeping more  
11 detail on the uses of overtime, and we have a good start. And we're just going to keep  
12 working away at it until we can have a really thorough discussion of where overtime is  
13 being used and how that discussion will lead to where we think overtime needs to be  
14 used. So I think that for next fiscal year is when we would really be able to talk about  
15 this in more detail. Okay.

16  
17 President Praisner,

18 Yes. Councilmember Ervin.

19  
20 Councilmember Ervin,

21 My question has to do with the average daily populations and Phil just spoke about  
22 Circle 37 which showed the spike -- or was it Circle 35? It has been showing an  
23 increase over time, but a big spike. And I see in the packet that you all are puzzled by  
24 what the causes of this spike was. Are you any clearer now than you were before?  
25 What is that about?

26  
27 Mr. Wallenstein,

28 It's a fair question. Let me just pass out just the latest up to date chart. Which doesn't  
29 change it, but it'll show you both month-to-month data point spikes and then also the  
30 slope over time. So you can see that we're growing. Over a period of 45 days last fall  
31 we grew by 100 people. That was the largest growth in the history of the department  
32 times ten. All right? I mean, it was just out of nowhere. And we got scared. There was  
33 no crime wave going on in the County. But we thought we were going to run out of  
34 beds. I mean literally in that sense, while we weren't quite at that point. When you get a  
35 growth of that level, it's a really difficult issue. In most jurisdictions, from my past  
36 experience, it's hard to get the stakeholders to engage on this issue. It's not my  
37 problem, or the law says I'm supposed to do this. In our County, the stakeholder came  
38 together through the CJCC's good offices and we started talking and looking at the data.  
39 Frankly, no one had a particularly brilliant observation. There's a lot of idiosyncratic  
40 issues, and I don't think discussing them makes a whole lot of sense if they're  
41 guesswork. You had new court members, you had graduating classes coming out of  
42 field training, but that may not tell you anything because the number of people coming  
43 into jail doesn't drive the population. How long they stay in drives the population. You  
44 can sustain huge increases and arrests, and not have your population go up. You can



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1 sustain almost no increase in how long they stay and have the population go up, and I  
2 have it go up. So let me be direct to your question. All right? The answer is not a clue.  
3 All right? As to why we went up 100 people. We may have -- and we'll know at some  
4 point because we're getting more data in on whether the crime mix changed. But it  
5 didn't change in ten days or in 45 days. All right? Something simply came together over  
6 a period of 45 days. Increase in robberies. Those are part one offenses. You don't get  
7 many robbers, even if they go out and solve a bunch of robberies, or the pack  
8 robberies. So you get 40 more people or 30, or 20. Half make bail and it just doesn't  
9 impact the population. The way to impact populations at the jail level is in the pretrial  
10 process. Over 60% of our inmate population are people who are awaiting disposition of  
11 their cases. And many of the fixes cost almost nothing. And that's what we're working  
12 on with all of our criminal justice colleagues; pretrial process, lowering the average  
13 length of stay. And not to bore you with this, our average length of stay for pretrial  
14 detainees went down from 21 days to 18 days. So what? Well over a couple thousand  
15 prisoners, that lowered the number of jail bed days by 2,500 and brought our population  
16 down in the last 35 to 45 days. It's inching up right now. It's a mechanical, technical  
17 process, and we just need to be on top of it and look for every non-risk factor that we  
18 can improve on so that we don't find our beds fully engaged. We've implemented  
19 several new procedures which began well before this spike, thank goodness; a brand  
20 new matrix for screening pretrial detainees when they come up for bail hearings before  
21 the Court. Our pretrial unit used to recommend 16% to 17%, and now they are  
22 consistently recommending 33%, and the judges are very receptive because it's a solid  
23 unit. Our failure-to-appear rate was below 4%. Some would say it was low; I mean in the  
24 sense that maybe you're not pushing the envelope in terms of recommending people for  
25 pretrial release. We have a brilliant pretrial supervision unit supervised by Sharon  
26 Trexler, and excellent staff. And money invested there is about \$1 out of \$10 for the  
27 cost of pretrial detention or incarceration. So we'll advise as we continue to work  
28 through this. If we go back to the normal growth curve, even adding some additional  
29 percentage points for gang suppression, even adding additional points for DV. And by  
30 the way, one full third of the people on pretrial supervision for all crimes are domestic  
31 violence. So this county is tough, in your face, all right, and very direct in DV. It doesn't  
32 mean they are all in jail but they're being put on pretrial supervision. As we try to  
33 structure so that construction does not become an issue. It will eventually. I mean  
34 there's only so far you can go. But we're not looking to get bigger. That's not an  
35 authoritative answer. But I can tell you, no one is not participating in this process.

36  
37 Councilmember Ervin,

38 One follow-up to that. In a county the size of Montgomery County is a jail population of -  
39 - I don't know what it spiked to -- a thousand --.

40 Mr. Wallenstein,

41 A thousand.

42  
43 Councilmember Ervin,



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1 A thousand thirty-one. What is that? I mean if you're looking at percentage to  
2 population.

3  
4 Mr. Wallenstein,

5 Well we'd be sort of laughed out of the large jail network, we're so low. Prince Georges  
6 County is what about 20,000 less than we do, theirs vacillates -- they were 1398 last  
7 week and they've been up around 1500. All right, so my first comparison has to be to  
8 Maryland, I mean, and to the region. We don't have a high jail population. We also have  
9 the lowest rate of sending people to the state prison system upon conviction of any  
10 county in Maryland. All right. We'd like to see the courts send more people to DOC, so  
11 we don't get some of the longer sentences. That's just a matter between us and the  
12 courts, and the judges of course, are independently elected officials and they like our  
13 programs, so inevitably, there are plea bargains entered into to put people in the local  
14 jail. Maybe that amounts to 40 or 50 people who might be elsewhere. Rate of  
15 incarceration per 100,000, extraordinarily low in Montgomery County. Rate of utilization  
16 in the state prison system, lowest in the entire state of Maryland. So we're not  
17 overburdened, but it's my job, of course, and all of us to manage as well as we can that  
18 which we have. And to figure out what we're going to need in the future, largely driven  
19 by public policy, not by crime. Historically crime has not been the driver of most of this  
20 issue. It may have started the issue rolling, public policy and how the society is going to  
21 respond to that criminal behavior or mental health or substance abuse or so on, was  
22 largely the driver.

23  
24 Councilmember Andrews,

25 A good example of that would be DWI's. I mean a crackdown on DWI's; DWI's are one  
26 of the easier crimes to catch. You know. Set up checkpoints and if you decide to  
27 incarcerate, you could increase the population very quickly, if that was your policy.

28  
29 Mr. Wallenstein,

30 In some respects we'd like to see some tougher focus on DWI because our prerelease  
31 center is most likely the ultimate program, and not have them sentenced to 50  
32 weekends, all right; which provides no treatment and focus. And some of them, of  
33 course, come intoxicated and have to -- they drink during the week and then show up  
34 on the weekends at our place. But that's just something that we have to deal with. But  
35 that's a perfect example of how public policy drives it and the major area where public  
36 policy or the absence thereof is speaking as it relates to mental health. I mean no  
37 question. Not just here, but throughout the country where the jails have become the  
38 reservoir of the seriously mentally ill through most likely incremental steps, but not  
39 authoritative decisions. Of course we're very fortunate now that not only current Council  
40 but new Councilmembers have taken an extraordinary interest in this issue and we're  
41 awful grateful for it.

42  
43 Councilmember Ervin,



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1 If you'll indulge me one more question; so is that to say, following your line of reasoning,  
2 is that to say then the people that are part of the population in the jail are in there and  
3 not necessarily related to any violent crime?  
4

5 Mr. Wallenstein,  
6 Oh no. We -- .  
7

8 Councilmember Ervin,  
9 If you were going to give a statistic to me, how many people are behind bars that have  
10 committed violent crime?  
11

12 Mr. Wallenstein,  
13 I have no intentions of guessing. I can have an answer within a week. We'll do a one-  
14 day slice, pretrial and sentenced, and give you a crime breakdown. I'll ask you maybe  
15 for a week and a half because we have to go back to an ancient database and see just -  
16 - and pull it out. All right. We'll give you a one-day slice.  
17

18 President Praisner,  
19 But they will get it for you.  
20

21 Mr. Wallenstein,  
22 Many of the nonviolent people of course are regulars. I don't think we have seen a first  
23 offender other than the occasional homicide case. So many of the people are multiple  
24 arrestees over an extended period of time.  
25

26 Ms. McMillan,  
27 I'd like to add that one of the issues of having a strong pretrial services program, is that  
28 if people on pretrial level can be appropriately handled in the community, they can get  
29 community-based treatment, they can keep their jobs or continue their education, or all  
30 those things that are going on, and so one of the things for looking specifically at the  
31 population of people who might be staying in the jail longer pretrial because they have a  
32 low bond. Maybe a judge said well you can be released to pretrial services, but you  
33 have to post a bond that's only a few hundred dollars. Or they didn't have an address or  
34 they didn't have a family member. If you can get those folks appropriately out of the jail  
35 during their pretrial time, they can actually to make their lives better. And many times  
36 actually when they get to court, if they do well in the pretrial program, the judges can  
37 take that into account in what the final disposition is, and they can actually not then  
38 have to go to jail for a sentence. And so it's really important in that sense to have a very  
39 strong pretrial program to get people set into the systems that they're going to need to  
40 do long term to deal with their substance abuse or mental health or other kinds of family  
41 problems.  
42

43 Mr. Wallenstein,



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1 I would guess that at least one to 250 prisoners would be in the jail if it were not for the  
2 Pretrial Program. The offenses that Sharon Trexler and her staff have under supervision  
3 are not minor. Okay? Those folks don't even get pretrial supervision; they just make bail  
4 or personal recognizance and go home. We'll send you a crime breakdown. Again, one-  
5 third of the domestic violence cases -- and while domestic violence is still a  
6 misdemeanor in most states initially, they are some of the most insidious and  
7 unpredictable offenses that exist. We have 1,995 people under pretrial supervision in  
8 the programs in that unit today, and there's a 1,008 in the residential correctional  
9 system. So our biggest program is pretrial at the lowest average cost.

10  
11 Councilmember Andrews,  
12 Now this is a striking statistic.

13  
14 Mr. Wallenstein,  
15 Sharon reminds me of it regularly.

16  
17 President Praisner,  
18 Good for her. I think, um, I'm glad that you mentioned the mental health issues, and it  
19 will be helpful to have a sense again of the percentage of folks that you believe  
20 incarnated are a mental -- have mental health issues associated with them for which the  
21 concerns are both treatment issues and more appropriate alternatives than  
22 incarceration. We tried several years ago to create a mental health court process --  
23 appreciate your support in that. Unfortunately there were other components of the  
24 judicial system that were not supportive at that time. I think in conversations with  
25 Councilmember Trachtenberg and others, we may be closer to -- well we definitely are  
26 closer to that issue than we have been in -- for a long time. Obviously there is still a lot  
27 of work that needs to be done. But I think we have to focus on percentages as you  
28 indicated of numbers of folks who are incarcerated where there are mental-health  
29 issues, mental health services, and potentially alternatives that would intercept those  
30 individuals before they find themselves in that situation. And a better way of dealing with  
31 those cases. Councilmember Elrich.

32  
33 Councilmember Elrich,  
34 I really appreciate your willingness to come with data. And so, you know, part of my  
35 interest is in the date that Ms. Ervin asked for and sort of a general look at -- you talk  
36 about drivers. And I am wondering like which drivers do we have some effect over.  
37 Some drivers we may have no affect over, but what drivers, you know, can County  
38 policy have an affect over. And I would be interesting in knowing a little bit more about  
39 that.

40  
41 Mr. Wallenstein,  
42 We don't think we have any effect on the weekend sentences. The multiple DWI --  
43 doesn't mean it's an inappropriate sentence. The lawyers claim they are going to get  
44 fired from their jobs. They don't. But their employers are usually happy they are sober.



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1 But we think we can actually have a better impact when they're at PRRF's because of  
2 hire degrees of supervision and attention. And that's a whole other issue on what effect  
3 you can have the eight-time arrested drunk driver who is clearly an alcoholic and has  
4 been for a long times.

5  
6 Councilmember Elrich,

7 I guess I'm interested, you know, pretty broadly in those things. I also thought your  
8 comment about the 40 inmates that we may have who might have been otherwise at  
9 other facilities. But given the fact that we do in our facility is better than what they're like  
10 to get in other facilities. The community may in fact be better off that they're here and  
11 will return to the community from here then they will go someplace else then return to  
12 the community from someplace else.

13  
14 Mr. Wallenstein,

15 Your point is well taken and that's why we have separation of powers so a jail director  
16 can impact where someone is going to serve of the nature of their sentence. We just got  
17 some folks who we really can't program very well and so it's our lament and we'll deal  
18 with it.

19  
20 Councilmember Elrich,

21 Unless it's going to tie into the mental health issue because, you know, I continue to  
22 hear about services being available to a lot of clients on the basis of number of visits or  
23 a certain amount of service over the period of a year and that services run out for these  
24 people before the year is over. And so people go for periods of time before the new year  
25 starts and their services kick back in again. And I'm just wondering whether, you know,  
26 if you were to look back at your spike, do you see any change in the number of people  
27 who might have been, you know, lost their services for the duration of the year. And so  
28 wind up with the community doing things that they might not have been doing had they  
29 been maintained on services.

30  
31 Mr. Wallenstein,

32 Okay, we thought about that issue. We didn't see a spike in our mental-health  
33 population, which lead us to believe that was not the case. Jill Logan, obviously the  
34 police Officer Logan who deals with it on the street every day, might bring another focus  
35 to it. I don't think she'll disagree with the data. Mental health is an ongoing day-to-day  
36 issue in the community. And given the presence of CIT officers in the street most likely  
37 mitigates even in the absence of programs, the number of people who are routinely  
38 picked up. It's an ongoing issue.

39  
40 Councilmember Elrich,

41 Those are my questions.

42  
43 President Praisner,

44 Okay, anything else? I am sorry, Councilmember Trachtenberg.





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Councilmember Trachtenberg,

Actually it ain't so much a question. I don't think it's a secret to many people here that this whole issue of the jail acting as a mental health treatment facility is something that I have had a keen interest in for a number of years. You know, one of the things that I have started the process of working on since I got to this side the street, has really been to have a discussion. And today I just left a Criminal Justice Behavioral Health Steering Committee meeting, which I know Art and others who are here could not attend, and I stayed for just about 35, 40 minutes. And one of the conversations we had this afternoon was around the need to really have a more comprehensive approach on the prerelease/reentry kind of services. And even to some degree how we depended on those pretrial services as well. And again this happened as we were discussing the mental health court model and the feasibility around that. And I think that is something that I would believe we could all benefit from having a more thorough conversation on; which is that before we even get to the mental-health court model, we really need to make sure that we have clarified the role that these services play. But we also provide the support so they are provided in a more equal fashion. But also that we're not dependent specifically on the police and on the jail for what in my opinion really should be provided within the community and by the community. I am sure we will be working on that in the months ahead. I was asked a little while ago by a colleague about why there was more male representation in the jail population. It is funny when I was asked about it because I know one of the things that I know nationally is that the jail population is trending in such a way that more and more women are showing up in it and they're showing up in it over nonviolent crimes, specifically drug-related crimes. And I wondered if you could just make a general comment what we have seen with the female population in the correctional facility here in the County, because I have a feeling what you are going to tell me won't surprise any of us.

Mr. Wallenstein,

It seems small but it really isn't. If historically it was 10%, now it's 12%. That's 20% growth in the female population. I think we're treading between 11 1/2 and 12%. So there has been a growth. Also Remember that a portion of the jail population are people in custody for technical violations of parole and probation. Those are usually multiple offenders; the kind of folks that the drug court is trying to work with; serious cases. Not cherry-picking people who most likely will never show up again. So we are seeing more women. And they are obviously the most difficult group because they have family- and children-related issues. Certainly victims of exploitation, sexual-related crimes, generally have no skills. And they're a tough group to work with. We have a really good staff who are used to working with them. That doesn't mean in 90 days we're going to correct 25 years of deficiency. But we've seen a growth in our female population. All right, again it may appear small -- .

Councilmember Trachtenberg,  
But it's significant.



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1  
2 Mr. Wallenstein,

3 Yeah, and it takes very special resources both in the jails and Stephan Lagulio has  
4 created a full female unit down at the prerelease center. It used to be a coed unit -- and  
5 please don't see that in the wrong light. But given their special problems, it needs to be  
6 a stand-alone unit for females only.

7  
8 Councilmember Trachtenberg,

9 Right. I would just add to that that I think two other important factors to consider in this is  
10 that a majority of those women that are incarcerated are actually victims -- had been  
11 abused as children.

12  
13 Mr. Wallenstein,

14 Very much so.

15  
16 Councilmember Trachtenberg,

17 We have to really take that to heart and recognize that there is a cycle here, not just an  
18 arrest and a conviction. And I guess the other part of it of course is that because these  
19 women typically have children as well, that adds a whole other complication to how we  
20 work with them as well for their recovery. So I thank you for your work -- all of you, and I  
21 thank you also for the information on the population.

22  
23 President Praisner,

24 Let's go on to whatever budget items you would like to raise? Mr. Andrews.

25  
26 Councilmember Andrews,

27 All right, let's talk a little bit about MCDC and any budget implications for MCDC. I know  
28 we are going to deal with the -- right after this we are going to deal with the Capital  
29 Project for MCDC.

30  
31 Mr. Wallenstein,

32 The only budget implication for MCDC will be dealt with by OMB. They will need a  
33 couple of extra staff to do the security for the construction crews because it's still an  
34 occupied jail. And Joe Beech and Ed Piesen are working on that. We have no other  
35 budget issues at MCDC, and we are just waiting for contracts to be agreed upon and  
36 get rolling with the reuse project which impacts the entire criminal justice system in the  
37 County. It is not a jail -- it has nothing to do with inmate housing and everything to do  
38 with process.

39  
40 Councilmember Andrews,

41 Several agencies would use MCDC. The other thing I wanted you to address, and this  
42 may have budget implications, just take (inaudible). This was suggested by John  
43 McCarthy in his comments and it seems to be the general consensus among folks in  
44 other criminal justice agencies in the county that they've talk about. And that is that the



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1 department has the best information on the number of gang members in the County.  
2 And there a number of reasons for that, but you have people for a longer period of time.  
3 Usually than the police do or than the State's Attorney does. So how is it impacting your  
4 operations?

5  
6 Mr. Wallenstein,

7 I am almost sorry that Councilmember Ervin left because she had a valid question about  
8 identifying people based on appearance and other issues. At the jail it's hard core data.  
9 We have a full-time gang coordinator, a gifted sergeant. And most of it, first of all, is self  
10 reported. All right. When you walk in with 40 tattoos over your body it's pretty hard to  
11 indicate that you have no involvement with a particular gang group. We have 117  
12 identified gang members in custody today. Some wannabes but in large measure that's  
13 not guesswork and none of it's based on visual observation. We interview everyone.  
14 We're doing this for two reasons. One, yes we can be of support to law enforcement,  
15 but the major issue is still the safety of the institution so that we don't become a  
16 battleground. And those issues come from the street. Remember two hours earlier they  
17 were on the street dealing drugs or whatever it was on the street. And then you get  
18 these sort of power struggles. And I don't need to go into it in great detail. It's simply  
19 another group that we have to pay very close attention to. Warden Green and his staff  
20 have done brilliant work up there -- knock on wood -- keeping people separated which is  
21 another issue that's impacted jail population; and keeping them engaged in program  
22 and other activities so that we don't have over-gang-related problems. We're on it  
23 everyday and the absence of problems -- and yes we could have a serious one tonight -  
24 - clearly reflects the attention that has been paid and the fact that this Council, okay, --  
25 thank you Public Safety Committee -- approved for us a full-time gang person a year  
26 ago. And Tate has done an incredible job since the day he hit the ground rolling and all  
27 it costs one staff member. That's our involvement in the larger gang issue. Even though  
28 we participate in a lot of programs, there is not a cost associated other than the good  
29 work that Identity was doing; and that's another issue because they may not be with us  
30 next year. And they have been a real mainstay in helping us work through a lot of those  
31 issues.

32  
33 Councilmember Andrews,

34 Madam President, I think we've actually covered the packet pretty well. We've covered  
35 the major issues. There is not a lot of change in the budget this time. And we reduced  
36 the by five the number of correctional specialists recommended based on the new  
37 trends in the staffing -- the inmate population. So I continue to be impressed every time  
38 I hear from the department. I think it's evident how good an operation they are running,  
39 and the cutting edge work that they are doing that combines a lot of vision and a lot of  
40 practical application of does it work, and working well also with the other agencies that  
41 impact them and that they impact. So we're lucky to have such a talented team there  
42 and the Public Safety Committee recommends their budget as suggested.

43  
44 President Praisner,



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1 Let's move to the Prisoner Medical Services NDA.

2  
3 Councilmember Andrews,

4 Okay, this is a number that is an estimate each year based on historical average. The  
5 number that's used is \$10,000 for next year as a number based on what it's typically  
6 averaged out for the years. This covers medical care for persons who are under arrest  
7 but not under custody of the Department of Correction. Because they are the  
8 department that has the experience in dealing with medical services for inmates, it's  
9 placed under their department. It's a non-departmental account and \$10,000 is what is  
10 recommended to use as an estimate for next year.

11  
12 Council President Praisner,

13 Do you have any use of the NACO Prescription Drug Cards?

14  
15 Mr. Wallenstein,

16 We've reviewed the NACO program at the request of yourself and previous County  
17 Executive and, frankly, we do find with the program that we use. But we are mindful we  
18 need to continue to refine that. All right. We shop pretty well in the market place for a  
19 vendor on medications.

20  
21 President Praisner,

22 This issue as you know continues -- not the prescription drug card program but the  
23 issue of loss of benefits, and other issues continue to come up whenever we are at the  
24 national meeting.

25  
26 Mr. Wallenstein,

27 I know and of course we raise it, and right here in D.C. we have the Baslon Center who  
28 knows more about this issue. You know, Baslon had an intriguing point. Once -- I'll say  
29 this real quick, they said if you had services still available to you while in jail, in many  
30 parts of the country they would put more mentally ill people in jail. That was  
31 counterintuitive to what I was looking for them to say. I don't think it would affect us that  
32 way. The key issue is they don't lose their benefits so they kick in the day they get out.  
33 Because the pretrial people are no different than the folks who were pretrial and have  
34 money and are at home who are still utilizing their federal benefits. Anyway, it's an issue  
35 we know about and we're supportive of.

36  
37 President Praisner,

38 Yeah, it's one we keep working on without much success at this point. Thank you. We  
39 have been asked, and unless there is a problem with the fact that it was not posted, we  
40 want to deal with the Detention Center Reuse Public Safety Project CIP Amendment. If  
41 Linda comes up and says it wasn't posted -- .

42  
43 Unidentified,

44 She said it was okay.



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1  
2 President Praisner,  
3 Then we have a problem. But if she said it's okay let's deal with it. That's the item we did  
4 not have time to finish the other day.

5  
6 Ms. McMillan,  
7 This is a piece of -- yesterday you had -- we've had all the Public Safety CIP in front of  
8 you. We didn't get to it; we did the Judicial Center Annex, so we've pulled out the  
9 Detention Center Reuse so that folks from corrections don't have to return.

10  
11 President Praisner,  
12 Have to come back again.

13  
14 Councilmember Andrews,  
15 So right, that's before us now. This is a major renovation to make it more useful and  
16 useable by a number of different agencies, including courts, sheriff, Department of  
17 Correction and others. And we're getting significant state funds. We've received  
18 approximately \$9 million from the State towards this project. And we hope we get at  
19 least \$2 million more, in fact I think it's \$4 million more; 13 is the amount that we are  
20 expecting overall for this. According to the packet the bids went out in January and were  
21 received on March 14th. And do we have an update about the status of the bids and  
22 how they look?

23  
24 Mr. Johnston,  
25 Yes, Bruce Johnston with DPWT. I will refer you to an email that Mr. Beech sent out  
26 yesterday regarding a number of projects. We are in the process of negotiations with  
27 the selected contractor on this project. So there is only -- I probably don't want to talk  
28 about too much information, we have a pretty wide gap and we are working to reduce  
29 that gap. The number that Mr. Beech indicated in his email was a gap in the range of 4  
30 to 7 million. We believe that we are going to be at the lower end of that range. And we  
31 are working to value engineer this project without reducing the scope. We believe that  
32 we have a good contractor as we mentioned in that email. We believe that the  
33 significant portion of the cost overrun is due to the fact that the contractor surmised that  
34 a lot of their work was going to have to be under very secure conditions because of the  
35 location of the work. We have able to correct that and working with them. We think we  
36 are reducing it significantly. We can also tell you that a big part of this cost increase is  
37 mechanical and electrical work -- is a big chunk of that. And we think that is a trend in  
38 the construction market right now that those factors are going up very high.

39  
40 Councilmember Andrews,  
41 Okay. This is -- .

42  
43 President Praisner,  
44 (Inaudible) concrete?



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1  
2 Mr. Johnston,  
3 Well concrete -- .

4  
5 President Praisner,  
6 Is leveled off.

7  
8 Mr. Johnston,  
9 Has kind of leveled off a little bit. Right now the big spikes are mechanical, electrical  
10 issues.

11  
12 Councilmember Andrews,  
13 This is a good example I think of the pressure that we are going to see on the Capital  
14 Budget in the next couple of years especially because of the increases in costs in so  
15 many aspects of projects, some of which -- many of which are beyond our control. And I  
16 know the department is on a number of projects working to "value engineer" them to  
17 find ways to reduce the costs. But in general the trend even with that is up above what  
18 we have in here. So one of the things that I think that we just have to keep in mind is the  
19 projects that are currently in the CIP are likely to cost significantly more than the  
20 numbers that we have plugged in at this point.

21  
22 President Praisner,  
23 That's always good news given the fact that everything seems to be escalating. And  
24 given the demand for additional projects, I think the answer on Page 2 of the item that  
25 we have been given about the status of County's request that we didn't get the money  
26 we requested because the Governor put 400 million in school construction. Part of the  
27 problem of course for state aid next year is the total amount of state aid in the Capital  
28 Budget may be reduced; so it won't be that he chose something else it's that he chose  
29 nothing. That is the risk that we have comprehensively as these costs increase. The  
30 email that Bruce referred to is the requirement of the Council. I don't know if everyone  
31 got it or I just did as Council President.

32  
33 Ms. McMillan,  
34 It went to all Councilmembers.

35  
36 President Praisner,  
37 It went to everybody, okay. The point is that we had asked for more timely notification  
38 across agencies not just county government when there was an alert about presumed  
39 significant escalations in the cost of projects. And it's also related to a status report on  
40 Capital Budget projects. We are looking at the variety of ways of both reporting the  
41 status on capital projects, but also wanting to know what the implications of those  
42 changes might be. And that is the memo that we received -- the Council received from  
43 the Director of OMB as part of that notification requirement. The news may not be  
44 appreciated but the responsiveness is definitely appreciated. Okay. Absent any





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1 Councilmember objections the committee's recommendation will stand. And we would  
2 now move to the Department of Liquor Control.

3  
4 Councilmember Andrews,  
5 Okay. All right.

6  
7 President Praisner,  
8 And invite George Griffin.

9  
10 Councilmember Andrews,  
11 After that memo, this is an appropriate department.

12  
13 President Praisner,  
14 Yeah, that's right. I asked him if he had any more money.

15  
16 Councilmember Andrews,  
17 It is, it's about a 10% increase from last year. Okay, we have before us the Department  
18 of Liquor Control. And they are -- this budget is fairly similar to last year's. The major  
19 things to note in it are that the General Fund Transfer would increase to \$22.1 million,  
20 and that there are significant efforts undertaken by the Director to improve customer  
21 service both for licensees and for the general public. I have spoken with Director Griffin,  
22 and he has been paying a lot of attention to this issue over the last couple of years and  
23 is continuing to work to improve the responsiveness. And I think the record shows that  
24 they are making progress on that. The department now has the Board of License  
25 Commissioners as part of it, which does provide some efficiencies in terms of access to  
26 centralized services. And they cooperate closely with the police department on alcohol  
27 checks, sales to minors, and also do checks for sales of tobacco products to minors.  
28 They continue to do those -- those functions are now folded into the department. The  
29 department, I think, has -- and I think you may want to talk about this because it has  
30 been an issue in some communities where there have been community complaints  
31 about sales of alcohol to individuals and then individuals being publicly inebriated, and  
32 how the department responds to those kinds of concerns from the public I think is  
33 interesting to a lot of people. It has been before the body in the last few weeks. So there  
34 is not a lot of change in this budget from last year, other than the incorporation of the  
35 BLC. And continuing efforts to improve customer service that I think are important and  
36 that I see progress on. So let me see if Director Griffin has any comments.

37  
38 President Praisner,  
39 Can we start by having everyone introduce themselves. Start with Alex, please.

40  
41 Mr. Espionosan,  
42 Alex Espionosan, OMB.

43  
44 Ms. Dollar,



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1 Allison Dollar, OMB.

2  
3 Mr. Griffin,  
4 George Griffin, Liquor Control.

5  
6 Ms. Durbin,  
7 Kathy Durbin, Division Chief for License of Regulation and Education.

8  
9 Mr. Pandya,  
10 Sunil Pandya, Chief of Administration Liquor Control.

11  
12 Mr. Griffin,  
13 Thank you, Madam President, Mr. Chairman. A couple of things. You are right about the  
14 budget. The biggest item that you'll see in the budget that's increased expenditures are  
15 due to the incorporation of the Board of License Commissioner staff, and so you don't  
16 have that budget to deal with any more and the General Fund Transfer has increased  
17 this year. We do have some operational issues that we are very much engaged in.  
18 Primarily involving product availability and customer service, and we take that very  
19 seriously. We are working on it and have been given the committee updates. And we do  
20 have some survey information for you before you leave that you requested. I wanted to  
21 make sure we get that to you. One thing that we found interesting sitting here and  
22 listening to the Corrections up here before us, and some of the issues they are dealing  
23 with, and some people would find it ironic that the Liquor Department would be following  
24 them. But the operational issues are important and we are focused on them. We have  
25 task force that is working on that right now. We are going to bring the Executive a menu  
26 of suggestions. We'll share that with you all as well. But the operational issues are part  
27 of our overall mission. And of course we like to keep in mind the big picture and the fact  
28 that we feel that Montgomery County is a healthier, safer place because we do operate  
29 as a controlled jurisdiction. There a lot of benefits that drives to the community as a  
30 whole because the County does take a more direct involvement in the sale and  
31 distribution and regulation of alcohol. And there a lot of reputable peer-reviewed,  
32 credible studies that do show that the social ills that directly come from the abuse of  
33 alcohol are lower here than they are other places. So we don't want to lose sight of that  
34 fact, as well as we improve our operational issues.

35  
36 Councilmember Andrews,  
37 That's an important point.

38  
39 Mr. Griffin,  
40 (Inaudible) revenue generation. This morning for instance we were very proud that we  
41 were the lead agency to bring together the Police Department, HHS and other counties  
42 and other groups to launch a local program of Reach Out Now, and start talking before  
43 they start drinking. We are very gratified and pleased that Councilmember Trachtenberg  
44 was there to help us kick that off. We did that of course in conjunction with the



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1 substance abuse and mental-health services administration and the Scholastic  
2 Publishing Company. So we do have the ability to be involved in those types of efforts  
3 as well and help coordinate the communitywide resources. You mentioned some of the  
4 community action plans we have, and some of the problems that some of the so-called  
5 hot spots in the county where there have been complaints about alcohol-related activity,  
6 and I'll let Kathy talk about that somewhat if you wish. But I think we have been very  
7 proactive and been able to create programs that become national models in terms of  
8 pulling together various resources targeted specifically to specific problems and specific  
9 geographic areas.

10  
11 Councilmember Andrews,  
12 So if the public sees a problem in that area, what are their opportunities for addressing it  
13 and how can they work with you on that? Okay, they have the re-licensing so that's an  
14 opportunity.

15  
16 Mr. Griffin,  
17 Yes, absolutely. And that's -- there was a -- well, first of all, the member of the public  
18 sees an incident a specific incident involving alcohol abuse. Probably the first point of  
19 contact would probably be the police department. But of course they also could, you  
20 know, contact our Community Outreach office. But we have this year for the first time in  
21 a long time, we had the community come in and speak to the Board of License  
22 Commissioners about a licensee who is renewing their license because there were  
23 some serious problems. It was through Kathy's office and we were going to pull that  
24 together, and it also involved the city of Gaithersburg. So we work with the regional  
25 community centers of the county government and with the municipalities and the central  
26 business district alliances if there are problems.

27  
28 Councilmember Andrews  
29 Okay.

30  
31 President Praisner,  
32 Kathy, do you want to comment on that?

33  
34 Ms. Durbin,  
35 Yes, briefly please. Our business alliance model has become a national model. We are  
36 very proud of it. We just received grant funding from State Highway Safety as well for  
37 our Latino initiative. So we are working heavily in the areas of Brandoff Road and Veirs  
38 Mill and Rockville, Wheaton business district and Long Branch. And we're going to  
39 continue to keep going back. We've started alliances in two of those areas in previous  
40 years, but we are going back to measure what went on before, the Cops and Shop  
41 programs that we used. We saturate all the businesses that sell alcohol with education.  
42 We bring together several code-enforcement agencies, not just our liquor inspectors,  
43 but Fire Safety, you know, Health and Human services. We have a team of folks that go  
44 in and actually sit down, and it's almost an intervention with the businesses that are



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1 licensed to sell alcohol. Unfortunately, once you license someone to sell alcohol many  
2 times the licensee is not the person that's on premise on a daily basis. So it's  
3 continually trying to educate and provide resources and technical assistance to those  
4 businesses. As far as the community is concerned, we have brought them into the  
5 business alliance and through programs like Extra Eyes with the Cops and Shops. We  
6 trained the people in the community or people that are working in the business  
7 community. And we help to bring them to be part of solution with us. They can draw up  
8 a petition if they have a business. Renewal time is the time to do that. That's the time  
9 we can really act against a business. But if a community asks for revocation or non-  
10 renewal, we usually work with them to build a case. Sometimes it's perception, it's not  
11 the business. It might be the business next door or down the street. We want to make  
12 sure we're doing the right thing because we are in the compliance, not putting people  
13 out of business. So we really want to make sure that everybody gets the big picture and  
14 understands in that community. And sometimes it's just what's happening on a block.  
15 There might be five businesses in a row kind of competing for business and so  
16 sometimes it becomes more high-risk. And so there's lots of factors to determine when  
17 we are working with these business alliances.

18  
19 Mr. Griffin,

20 And to that end, we are doing more work than ever before in working with businesses  
21 when they first come to us as they're applicants, before they first receive their license.  
22 We are going through training with them now. And I think that is going to, you know,  
23 show us you the benefits in years to come. They will start off on the right foot and  
24 frankly the board staff member had the resources to do too much of that in the past.  
25 Now, I think, because the community-outreach offices included in their efforts, we can  
26 do some more of that. So up front there's a lot of training going into the business  
27 community to make sure they start off in compliance, and we're not just seeking to  
28 collect fines.

29  
30 President Praisner,

31 Okay, I do see a light. So let's have Councilmember Berliner raise whatever questions  
32 he has, and then quickly go through the components of the budget that you may want to  
33 highlight, Councilmember Andrews.

34  
35 Councilmember Berliner,

36 And, Madam President and Mr. Chairman, I am happy to defer my questions but I have  
37 some larger questions that I would appreciate the opportunity (inaudible).

38  
39 Councilmember Andrews,

40 Sure, why don't you raise them now.

41  
42 Councilmember Berliner,

43 Thank you. Let me first start by saying I totally understand why it is that the County  
44 would control the sale of hard liquor. I don't -- it doesn't -- it's not intuitively obvious to



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1 me why we are in the wine business, why we are in the beer business. I don't know if I  
2 would care so much why the reasons for it if I felt that if there weren't concerns with  
3 respect to it, particularly with regard to the wine business generally. As well as hearing  
4 from those who perceive that they "compete" with your department in the private sector  
5 and raise the question why I am competing with the government with respect to this  
6 piece of it? Again, I want to make a clean line between hard liquor and beer and wine.  
7 So what I appreciate and since I've never been able to explain to my constituents why it  
8 is that I believe we are unique in the country. I mean there are lots of things that it's  
9 good to be unique with respect (inaudible) not clear to me that this is. But we are unique  
10 in the country with respect to this particular monopoly on hard liquor, beer and wine. So  
11 if could speak to why you perceive that to be in the public interest, I would appreciate it.  
12 And then we can go to some of the other questions that arise as (inaudible).

13  
14 Mr. Griffin,

15 I am very glad that you asked that question because it gives us a chance to talk about  
16 some of the fundamental reasons why we exist and to dispel some of the myths. Maybe  
17 we are here locally and we are often compared to Washington, D.C. We are accused of  
18 being unique in the country. As it turns out there are a couple of Maryland counties that  
19 are controlled jurisdictions. There are eighteen states that serve as controlled  
20 jurisdictions including our neighbors of Virginia, West Virginia and Pennsylvania.  
21 Twenty-five percent of the U.S. population lives in a controlled jurisdiction. Now there  
22 are variations among those -- 25% of the U.S. population lives in a controlled  
23 jurisdiction.

24  
25 Councilmember Berliner,

26 When you say "controlled," I believe in Virginia one can buy wine and beer outside of a  
27 state liquor store; is that correct.

28  
29 Mr. Griffin,

30 Correct. What defines control.

31  
32  
33 Councilmember Berliner,

34 Control is a word that has different meanings.

35  
36 Mr. Griffin,

37 What defines a controlled jurisdiction is that the government -- the state agency in this  
38 case, in this case county agency, actually owns the product at some point in the  
39 process. They control it in the distribution process. Some states have franchised out  
40 there; retail stores. Some only -- some of the states for instance, Pennsylvania, New  
41 Hampshire, they have complete control over the sale and distribution of wine and spirits.  
42 Utah has control over wine, spirits and beer.

43  
44 Councilmember Berliner,



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1 Certainly where I go to drink.

2  
3 Mr. Griffin,  
4 Major league towns, Salt Lake City.

5  
6 President Praisner,  
7 But they also have the most private clubs I bet (inaudible).

8  
9 Mr. Griffin,  
10 It's very interesting how the control system developed at the end of national prohibition  
11 because -- Utah would be an obvious example. One would assume that it was due  
12 religious reasons. But there is geographic distribution throughout this country. I mean  
13 there are controlled jurisdictions in New England, Mid Atlantic, Mid West, the far west;  
14 Washington and Oregon are controlled states. And that's, you know, why would that  
15 occur? It is interesting how the public policy debate evolved at the end of national  
16 prohibition. Say okay, now what do we do? And I think if you go through the history of  
17 the country, alcohol policy and laws have been something that has been very difficult to  
18 get our arms around. The pendulum was swung wildly. We went from having virtually no  
19 laws, which resulted in incredible abuse for the turn of the century, and it resulted in the  
20 majority of the country supporting an absolute prohibition on all beverage alcohol. That  
21 didn't work either. So the pendulum is somewhere in the middle now to some degree,  
22 whether it's -- you're in a controlled jurisdiction, regulatory jurisdiction. So we are not  
23 necessarily unique in the country, although there are variations among the controlled  
24 states and exactly how they operate. The other interesting point is to say, well, hard  
25 liquor is evil, but beer and wine is relatively harmless in terms of how we approach it  
26 and regulate it and control it. Truthfully all the public health folks and the youth  
27 advocates and so forth, tell you that alcohol is alcohol is alcohol. Now that is not to say  
28 that drink is a drink is a drink. But if you look at abuse of alcohol, and the types of drinks  
29 that are entry-level for young people to get involved in alcohol, underage and so forth,  
30 often it's not what you would term hard liquor. I mean it is probably more often beer,  
31 wine, wine coolers and so forth. Further, the industry now has gotten to, I mean, there  
32 are items that sort of define or defy characterization. You have all the alternatives now  
33 with spirits labels on them. But they are malt-based. You have beer companies coming  
34 out with other items that are not beer. Anheuser-Busch has a new product out right now  
35 called Spikes; very controversial and so forth. So I think, you know, now we look back  
36 on it and maybe once upon a time, people thought well hard liquor is dangerous and  
37 should be controlled but beer and wine is relatively harmless. That's no longer the  
38 thinking I don't think among, I mean in most public health folks and so forth.

39  
40 Councilmember Berliner,  
41 Okay. Let's assume for the purpose of this conversation that I bought the premise with  
42 respect to the control. I would say and I am not going to suggest that the Washington  
43 Post is wrong often, but I would say that here's the sentence: "Montgomery is the only





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1 county in the United States that sells and distributes all alcoholic beverages; hard liquor,  
2 beer and wine." And are you saying that that is a false statement?

3  
4 Mr. Griffin,  
5 Incorrect.

6  
7 Councilmember Berliner,  
8 It's an (inaudible) false. Okay.

9  
10 President Praisner,  
11 It's a perception out there though.

12  
13 Unidentified,  
14 Absolutely.

15  
16 President Praisner,  
17 And so this opportunity to clarify is probably useful periodically.

18  
19 Mr. Griffin,  
20 Councilmember, you were talking about the competition among the private sector.

21  
22 Councilmember Berliner,  
23 Let me get to -- I'll get to that.

24  
25 Mr. Griffin,  
26 Okay, all right.

27  
28 Councilmember Berliner,  
29 But I guess what I am more disturbed by, particularly with respect to the wine issue; you  
30 have seen the articles in the Washington Post and Vintage Bureaucracy. I love the city  
31 paper's headline: "Pain in the Glass." The bottom line is for one thing restaurants are  
32 not coming to Montgomery County. I represent this little area called Bethesda that ought  
33 to have the finest restaurants in the country. It has incredible disposable income; it  
34 ought to have the best restaurants in the country. And we are hearing: but we're not  
35 going to come there because it is such a hassle to get fine wines served. That was the  
36 import of several of these articles. I need you to share with me what you are doing to  
37 ensure that restaurants get what they need in a timely manner so that they can have the  
38 finest wine lists possible?

39  
40 Mr. Griffin,  
41 I am as you know intimately familiar with the Bethesda community, have been past  
42 president of the Chamber of Commerce there. So I am not anti-business. I am not anti-  
43 Bethesda.



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1 Councilmember Berliner,  
2 And you know that we could (inaudible) really fine restaurants.

3  
4 Mr. Griffin,  
5 And to some extent I think there are some unfair connotations now.

6  
7 President Praisner,  
8 Well I don't -- I'm not sure that I would want to stand up as the Councilmember from the  
9 district and say that the restaurants in this district are not very fine, Roger. So I think you  
10 want to clarify.

11  
12 Councilmember Berliner,  
13 I hope I didn't suggest that.

14  
15 Mr. Griffin,  
16 That's part of what Jeff Black I think had -- .

17  
18 Councilmember Berliner,  
19 But what I am suggesting is that there are numerous people and many people not  
20 quoted for attribution out of fear of retribution who are complaining mightily both existing  
21 restaurants and restaurateurs who would not come for this reason. So I can talk about  
22 wonderful restaurants in Bethesda but appear to be struggling in a system that doesn't  
23 serve them well and precludes others from coming.

24  
25 Mr. Griffin,  
26 Well we have identified and prior to these articles -- we have identified the special order  
27 wines and the committee is well aware of this, as an area that needs improvement. We  
28 are working on it. It is -- wines in terms of the cases that we sell during the year, wines  
29 represent 18, 17% of our total business. But it's a very important 18% because it has  
30 such a direct impact on the restaurant industry. The special order wines represents  
31 about 12 to 14% of that slice. So it is -- it's like the old 80/20 rule; you spend 80% of  
32 your effort and time on something that's 20%. It is a challenge because the restaurants  
33 want special orders and they want to keep those items as special orders. Once upon a  
34 time we thought we were doing them a favor by making special order items stock items  
35 so they would always be available for them. As soon as we made them stock items,  
36 they dropped it and got another special order item because they want to have  
37 something unique that the other licensees don't have, that you won't find on a store  
38 shelf and so forth. I said earlier, we do have it, we have a task force that is studying this.  
39 We are looking at other jurisdictions, we're talking to private distributors. We've no stone  
40 unturned. We are trying to be creative. Over a year ago we did reduce the markup on  
41 special order wines. So we reduce the price. And I think that did help some of the  
42 pressure on those restaurant owners. But the reliability of availability of those special  
43 order individual items, for individual licensees, is the pressure point for us. And that is  
44 what we are working on. And we are working with the restaurant owners in Bethesda.



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1 We've been down there to meet with groups of them several times. We are meeting with  
2 our own conference center and the other hotel operators in the county, because they  
3 have experienced some of the same problems. It's an operational challenge, but it's  
4 something, I mean, if it -- I don't want to sit here and tell you that it can't be done. We  
5 are confident that it can be done.

6  
7 Councilmember Berliner,

8 Well again I'll go back to given that I am not one that totally buys the premise, I am  
9 willing to get past my questions with respect to the premise as long as I feel that it is  
10 operating in a manner that doesn't put our businesses at a competitive disadvantage.  
11 Once I perceive that not only do I question the premise but that you're getting in the way  
12 then I have to approach this from an entirely different perspective. So I would say to you  
13 I hope you do clean this up. I hope you clean it up quickly. I hope the Chair will get  
14 ongoing reports. I would personally like to see what you are doing. I would like to be  
15 kept apprised as to what you are seeking to do, the time table you're seeking to do it, so  
16 that this issue doesn't keep coming up.

17  
18 Mr. Griffin,

19 And I think we have a meeting scheduled to discuss this already.

20  
21 Councilmember Berliner,

22 Great. (Inaudible).

23  
24 Mr. Griffin,

25 Oh, I'm sorry. But I just -- I agree with what you said 100%, and that's the attitude that  
26 we have taken. If we can solve this operationally, it solves a lot of our problems. I mean  
27 if the restaurant owners are happy, we figure we are doing our job to some degree. And  
28 that's what we said a year from now, you said how will you know if there has been  
29 success; because the restaurant owners came back and said, hey, things are a lot  
30 better. I am happy. That's our goal.

31  
32 Councilmember Berliner,

33 And I would also say to you that there a lot of people who don't go to your stores  
34 because they don't perceive that , A, you have the quality, and, B, you don't have the  
35 expertise. So I am one of those who go to Rodman's. And I will go wherever -- I have  
36 got staff who will go into D.C. We are losing business by virtue of the fact that we don't  
37 have the quality of wines that we need to be selling, and we don't have the expertise  
38 with respect to how to advise people. I mean, you guys are still telling people to buy  
39 Merlot. I mean all you had to do was see sideways in that.

40  
41 President Praisner,

42 There are still folks who like Merlot.

43  
44 Councilmember Berliner,



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1 I was just trying to lighten it up (inaudible).

2  
3 President Praisner,  
4 Well, I would like to move it along.

5  
6 Councilmember Berliner,  
7 All right I will go -- .

8  
9 President Praisner,  
10 So let's get back to the budget. We've asked for a follow-up. There are two other  
11 Councilmembers who have questions. Are there further questions?

12  
13 Councilmember Berliner,  
14 I would -- one final question if I could then. I would like to you address the competitive  
15 thing as finally because I do hear from a number of folks who perceive they are in  
16 competition with you, and say why are we in competition with you?

17  
18 Mr. Griffin,  
19 Let me say by far the number one question we receive and the number one complaint  
20 that we receive by a long shot every since I'm in this job, and the spikes whenever  
21 something in the paper comes out is how come I can't buy beer and wine in the grocery  
22 stores the way you can everywhere else? Like in Virginia and so forth. I am happy to be  
23 able to say this on the record. People assume because the County is in the liquor  
24 business that that's why you can't buy beer and wine in the grocery stores in  
25 Montgomery County. That's not true. We can privatize next week, you still wouldn't be  
26 able to buy beer and wine in the grocery stores. That's a statewide law. And Marilyn has  
27 made a public policy decision in order to support independent retailers to keep chain  
28 stores out, big-boxed retailers out, and they won't let chain grocery stores sell beer and  
29 wine.

30  
31 Councilmember Berliner,  
32 But it is the small retailers who are complaining to me with respect to their competition  
33 with you, setting aside the grocery store issue; which I understand.

34  
35 Mr. Griffin,  
36 (Inaudible) what the consumers complain about.

37  
38 Councilmember Berliner,  
39 But it's the small retailers who say why am I competing with my county for beer and  
40 wine?

41  
42 Mr. Griffin,  
43 (Inaudible).



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1 President Praisner,

2 Well, again if you can answer that, George, briefly, because these are public policy  
3 issues, not budgetary issues. I've allowed them to be raised because I think, one,  
4 Councilmembers have questions; the budget discussion is not exclusively about budget.  
5 But I don't -- we can't solve the public policy questions, nor do we have authority for  
6 everything at this point. So if you could briefly answer that.

7  
8 Mr. Griffin,

9 We are reviewing the future of the county stores retailing beer right now. And I think that  
10 if that may be -- that may go a long way to solve it. Wine, there is enough wine. There is  
11 an infinite amount of wine out there under a lot of labels. And I don't think any of us  
12 could sell it all if we both would sell wine.

13  
14 Councilmember Berliner,

15 I appreciate the President's indulgence with respect to this (inaudible), and it's a major  
16 issue in my district. I appreciate the Chair's attentiveness to it.

17  
18 Councilmember Andrews,

19 Before you started focusing on wine, I was going to ask you shaken or stirred.

20  
21 Unidentified,

22 Shaken.

23  
24 Unidentified,

25 Buy your spirits in our stores.

26  
27 President Praisner,

28 We have two more lights and then we are going to get back to the budget;  
29 Councilmember Elrich. Oh, one light. Councilmember Elrich.

30  
31 Councilmember Elrich,

32 To answer Phil's question: shaken. But not my first choice. I just want to say that I  
33 support the policy of the department. And we've had some discussions about the  
34 shortfalls and the areas that need to be addressed. And I think that's it's important to  
35 address them, but I wouldn't want to abandon what I think is an overall sound policy so  
36 that a couple of restaurants can sell \$100, \$150 bottles of wine, which is really what the  
37 exclusivity of the wine comes to. And having a different policy will not change the fact  
38 that restaurateurs don't take advantage. I mean there's no accounting for taste  
39 (inaudible) sometimes, but I know what's in the liquor stores and I know what I find  
40 when I go into a restaurant, the best Merlots, Pinots and other things aren't necessarily  
41 on somebody's wine lists. So you could have an infinite number of wines; it doesn't  
42 guarantee that the selections that people make are good. We've talked about bringing  
43 some more expertise into the department to both, you know, help with the stores. And I  
44 think training personnel so they can be knowledgeable is a good thing. But I think



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1 overall the policy we have in this County is a good policy. And I strongly support the  
2 policy that is in place.

3  
4 President Praisner,  
5 Okay the policy is implemented through the budget. Let's get back to the budget. The  
6 Merlot in Bethesda is good, Roger. I had some just last Friday a week ago.

7  
8 Councilmember Andrews,  
9 Madam President, there aren't significant budget issues this year that are different. We  
10 could go through it, but it's pretty much of the same services budget. The General Fund  
11 Transfer is increased by 7%. The data -- the warehouse operation, the new warehouse  
12 is going through the process of request for offers and interest that are due back soon.  
13 But unless there are specific questions about the budget?

14  
15 President Praisner,  
16 I would say there are three budget issues that are not reflected necessarily in this  
17 budget at this moment. One is Capital and Construction Costs over the long one and  
18 what that implication is for more than just right now, right here today. Number two, I  
19 would say we did not have a successful experience with the EAP, which is the  
20 Employee and Data System related to the Liquor Department as a stand alone ERP, I  
21 should say, Enterprise Resource Planning System. We didn't have a good experience  
22 with that in one department. I think it is a telling issue as we embark on our ERP system  
23 for the full County that we didn't have a good experience here. We need to learn from it.  
24 We also, as we've had conversations in MFP. are going to be continuing to monitor this  
25 but you know, the issues associated with it are I think a red flag for us in countywide as  
26 well as having to terminated it where we are with this whole issue is -- I don't know  
27 where we are. And I would like to understand where we are. You have to maybe bridge  
28 somebody elses, drop this program completely, go to another one. Where are we? And  
29 thirdly, as I reminded my colleagues this morning, if we have a credit card security  
30 verification system issue, it's going to be in our liquor stores. And as technology  
31 services alerted the committee the other day, and as I've tried to alert everybody, this is  
32 likely to be a larger financial issue as we move from -- in order to make sure we can't --  
33 if we want to continue to allow the use of credit cards in our stores or the use of credit  
34 cards for whatever purchase an individual may want to have or for whatever transaction,  
35 I should say, with any government entity then we have to meet Visa, Master Card,  
36 whatever's requirements, and they are pretty high and they are getting higher every  
37 day. And that's a security and the protection of individuals, identity issue. And it's going  
38 to be expensive for us to be in the business. And our consumers, our constituents are  
39 going to demand the ability to use the credit card, and it's a swipe issue. And so it's  
40 more directly related to a store-type of system where you are swiping cards. Which may  
41 change the systems completely in liquor stores. So the cost of that, I think, DTS is very  
42 concerned they are going to be a lot greater than we assumed. So those are three big  
43 financial budgetary issues not necessarily in front of us yet but coming down the road  
44 one or two faster than the other. And I just wanted an answer to where we are from the





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1 ERP issue. And there may be legal issues because of contractual problems and you  
2 can't discuss some of it; just what you can.

3  
4 Mr. Griffin,  
5 We can discuss some of it. Do you want me to mention the credit cards briefly?

6  
7 President Praisner,  
8 Sure, if you'd like.

9  
10 Mr. Griffin,  
11 Okay. It's a big problem. We are by far the farthest government agency in terms of  
12 transactions. We have over a million -- what is it 1.2 million credit card transactions a  
13 year, and second place is in the 100,000s.

14  
15 Unidentified,  
16 Eighty thousand.

17  
18 Mr. Griffin,  
19 We are currently PCI compliant with the first County agency because we had to be. It's  
20 however, I will tell you, an interim solution because we are using the swipes. There is an  
21 additional step that has to take place. It's not as customer-friendly as it previously was.  
22 And it does introduce the chance for some additional human error. But we are compliant  
23 now and we're continuing to work with DTS on a countywide solution. The Capital  
24 Budget, I mean, the warehouse expansion as you know we have an approved project,  
25 we've got the money, we've already paid some money to the contractor. We have not  
26 broken ground. For due diligence obviously we are waiting until after the County  
27 receives information for the RAOI which closes May 22nd for the service part. So we  
28 won't break ground until we do that. But one way or another, there is going to be  
29 implications for our warehouse. On the IT we did have a bad experience. The County  
30 has negotiated a settlement with the former vendor. We have agreed that the contract  
31 was canceled by mutual consent. We have received value for what we have paid. We  
32 have hardware, we have licenses, and we only paid for invoices we had received for  
33 completed work. We have not paid and will not pay for any partial work. So I think the  
34 contract was canceled at a good time. It was not a good experience. And I do think that  
35 the County can learn from some of what we went through.

36  
37 President Praisner,  
38 And, George, when the MFP committee has its follow-up and ongoing conversation  
39 about that having you or someone from Liquor Control present would help us.

40  
41 Mr. Griffin,  
42 And we would like to be here.

43  
44 Councilmember Trachtenberg,



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1 And actually if I could add, I had spoken with George about this I think two weeks back.  
2 And what I was going to suggest is that we actually have a work session and we might  
3 want to invite and ask Public Safety to join us. Because I do think there are some  
4 lessons learned here.

5  
6 Mr. Griffin,

7 We have a couple of components in our department that will always be unique  
8 regardless of the County's ERP system. And one is the point-of-sale system. And the  
9 other is our supply chain management, the warehouse distribution piece of it. And those  
10 components we can move forward with while the County is worrying about the rest of it  
11 just so it can cut in. I don't know, Sunil, if you want to add anything in detail?

12  
13 Mr. Pandya,

14 (Inaudible) at this stage. I know we have resolved the past contract. We have put that to  
15 rest. And so they are kind of moving forward. And we have a couple of options where  
16 the -- things have changed a little bit now that the countywide ERP well on its track. So  
17 what we are most probably focusing on is a more specific solution to our operations,  
18 supply chain management system, takes care of our warehousing, takes care of our  
19 retail, and then we'll let the ERP proceed countywide and just (inaudible).

20  
21 President Praisner,

22 Councilmember Elrich had a question.

23  
24 Councilmember Elrich,

25 I am confused a little bit about this credit card security issue only because my  
26 experiences in the last couple of months using credit cards with other institutions has  
27 been they are no longer even asking for signatures on purchases. So things seem to be  
28 getting less secure rather than more secure. I mean, you could lift a credit card and  
29 prove nothing to anybody and simply swipe it and you are done.

30  
31 President Praisner,

32 Well, I think if I could suggest rather than asking Liquor Control to respond to that issue,  
33 which goes beyond those questions, would be helpful to perhaps have some  
34 conversation through the issues that we have talked about in MFP and try to get a  
35 response on what is going on with credit cards and its implications for government. It  
36 may be interesting the rest of it, but I think Councilmember Elrich's question is the fiscal  
37 implications and the policy implications from a government perspective. Okay, if there  
38 are no other questions for the Liquor Control Budget; anything, Councilmember  
39 Andrews? Then thank you all very much.

40  
41 Mr. Griffin,

42 Thank you very much.

43  
44 President Praisner,



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1 Let's call up the Office of Consumer Protection. I saw Eric Friedman in the audience. If  
2 you would join us and turn it over to Councilmember Andrews again.

3  
4 Councilmember Andrews,  
5 Thank you. All right. This is the last Public Safety budget we're taking up this afternoon.  
6 There are others though. And for those who are joining us at the table, we have people  
7 watching or listening in, so if you will go across the table and just introduce yourself.  
8 Speak slowly please so everyone can pickup for the mike for those listening in.

9  
10 Ms. Carter,  
11 Marsha Carter, Consumer Protection.

12  
13 Mr. Johnson,  
14 Evan Johnson, Consumer Protection.

15  
16 Mr. Friedman,  
17 Eric Friedman, Acting Director Consumer Protection.

18  
19 Mr. Vines,  
20 Ralph Vines, Consumer Protection.

21  
22 Ms. Feinberg,  
23 Beryl Feinberg, OMB.

24  
25 Ms. Glavinic,  
26 Rose Glavinic, OMB.

27  
28 Councilmember Andrews,  
29 Okay, good afternoon, everybody. Well the office became a free-standing office again  
30 about a year ago which had been the case about ten years prior to that until it was  
31 merged with the Housing and Community Affairs. So that is the big organizational  
32 change that was made last year. The department has a wide variety of issues that it  
33 deals with, several which directly affect Public Safety in terms of automotive repairs,  
34 defective brakes, airbags, things like, and defective construction in home improvement,  
35 which can have public safety implications. For example, defective chimneys could result  
36 in a risk of chimney fires. So overall the department handles about 2,000 calls a month;  
37 about 100 a day that the office is opened, and then closes about 200 cases a month  
38 involving consumer complaints. The County has a tradition of having a strong consumer  
39 affairs focus, and has been among the nation's leaders in advancing consumer  
40 protection at the local level. And we appreciate the good work that has been done over  
41 the decades by personnel in that office to look out for the consumer. And consumers,  
42 my experience, have a good response, get a good response when they call the office.  
43 And my office has had a lot of deals with it over the years. I want to start by saying if  
44 Acting Director Eric Friedman would like to comment on the budget and any trends he



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1 says in the department's work over the next year or so, or things that are affecting you  
2 that we need to know about. And I'll ask Amanda, our staff on this, if she has any  
3 comments on this also.  
4

5 Mr. Friedman,

6 Thank you, Mr. Andrews. I'd just like to say that we are excited about stepping up to the  
7 challenge of being a principle agency once again, and we are excited about being once  
8 again a member of the Public Safety sector. We are seeing lots of trends in a very  
9 rapidly change marketplace. You were just talking about swiping credit cards. Well that  
10 is slowly being phased out. The cell phone is now being used as a payment device, and  
11 there are a lot of other electronic payment forms that are coming into play. So it's a  
12 rapidly change marketplace, and we are anxious to keep up the pace.  
13

14 Councilmember Andrews,

15 Okay. Are there any items in the budget that you want to highlight?  
16

17 Mr. Friedman,

18 No, I mean, as the packet indicates 95.1% personnel cause. So we're sort of a lean  
19 organization; 22, 23 people. We're a dedicated workforce. And we are going to do the  
20 best job we can with whatever resources we are afforded.  
21

22 Councilmember Andrews,

23 Okay. Thank you. Amanda, do you have any comments on the packet.  
24

25 Ms. Mihill,

26 Not really, just the budget is the same services budget.  
27

28 Councilmember Andrews,

29 And that's -- it is the same services budget that is proposed essentially the same  
30 number of work years. In terms of issues that I would highlight, I would note that the  
31 office has a significant number of volunteer hours contributed each year -- over 3,000  
32 on average, and has bilingual volunteers; has a bilingual consumer investigator and  
33 trained volunteers that enable the office to provide daily coverage for Spanish-speaking  
34 callers. And I'm wondering what percent of the calls do you get that you need  
35 assistance with -- that are callers who are calling who need help with translation?  
36

37 Mr. Friedman,

38 It's a growing percentage. We had a little bit of a chicken and egg situation where we  
39 were afraid to translate our complaint form into Spanish because prior to having a  
40 bilingual investigator, we didn't have the ability to process those cases, interview  
41 witnesses in Spanish. So we have just recently translated our complaint form into  
42 Spanish, and we know that there is a large segment of our community which is not  
43 availing itself for the services of our office. So we've increased our outreach efforts into



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1 the Hispanic/Latino community. And we have leveraged our ability by training a team of,  
2 as you indicated, bilingual volunteers to work with our bilingual investigator.

3  
4 Councilmember Andrews,  
5 Briefly, can you talk about the role that your office plays in staffing the commission on  
6 common ownership opportunities -- (inaudible) ownership communities, and where is  
7 the jurisdiction there and what are the homeowner associations that come before that  
8 commission?

9  
10 Mr. Friedman,  
11 I would be glad to. Our office serves as staff to the Commission of Common Ownership  
12 Communities, which as you know is an alternative dispute resolution mechanism for  
13 disputes within homeowner associations and condominiums. Evan Johnson is the  
14 supervisor of that program. We dedicate one investigator to processing those cases  
15 before the fifteen-member commission. In Montgomery County as of the end of 2006 we  
16 have a total of 852 homeowner association communities, and 118,000 units within those  
17 communities. And these are generally speaking neighbor-to-neighbor disputes that are  
18 generated and need a mechanism to address those concerns. And so we process the  
19 complaints, we attempt to mediate the disputes, and when they can't be mediated, they  
20 will be adjudicated by a three-member panel of the Commission on Common  
21 Ownership. And perhaps Evan has anything else to add regarding the working of the  
22 commission.

23  
24 Mr. Johnson,  
25 The commission also has an educational and public policy role. They really need to  
26 increase our educational role because there is a great need. They take positions on  
27 legislation and want to become more actively involved in that regard. And there is a  
28 statute that actually calls for them to play that role as well. So it's not all dispute  
29 resolution but dispute resolution tends to take a lot of the staff time.

30  
31 Councilmember Andrews,  
32 Okay. Do you have jurisdiction on HOA disputes in the municipalities -- all  
33 municipalities?

34  
35 Mr. Johnson,  
36 Not Gaithersburg and Rockville.

37  
38 Councilmember Andrews,  
39 That's what I thought. Okay.

40  
41 Mr. Johnson,  
42 They've not opted under Chapter 10b of the County Code.

43  
44 Councilmember Andrews,



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1 Okay. So other than Gaithersburg and Rockville all the others though.

2  
3 Mr. Johnson,  
4 That's correct.

5  
6 Councilmember Andrews,

7 All right. In terms of what the department produced or what the office produced among  
8 its achievements, consumers received \$700,000 in total value of refunds or services  
9 performed financial relief for which their assistance helped provide significantly to that  
10 outcome. They hope to increase that in the coming year. There are a couple of  
11 performance measures in the back of the packet that demonstrate the workload and a  
12 number of cases dealt with. It is a fairly busy office. The personnel would essentially  
13 stay the same. Lapses half a work year -- assumes a half-work year of lapse, which is  
14 about 2% for the office. There really is not much change in this budget. And so I think I  
15 would see if there are any questions about any of the items.

16  
17 President Praisner,  
18 Councilmember Berliner.

19  
20 Councilmember Berliner,

21 Only asking for a little more information with respect to the nature of the complaints and  
22 if you will, how many in each category, if you will. Is there an overwhelming -- do 50% of  
23 your complaints, for example, fall in the automotive sales repairs. Where is the majority  
24 of your work? I apologize if I should have been able to see this in the packet, but I don't  
25 have a sense as to you spend X percent of your time on these functions.

26  
27 Mr. Friedman,

28 There's no overwhelming one area. Traditionally automotive repairs and service have  
29 been a predominate area; and the home improvement area which includes unlicensed  
30 home-improvement contractors is a general big category. We divide our workload  
31 generally speaking into automotive area and then real property and then retail sales.  
32 The latest trend are financial issues, but we handle everything cradle to grave;  
33 everything from foreclosures to credit card problems to identity theft. And so it's a  
34 situation in which about a dozen investigators are required to know a myriad of county,  
35 state and federal laws.

36  
37 Councilmember Berliner,

38 I got the scope, I was just trying to sense so are we talking 25% goes into automotive --  
39 30% or 40%. Do you have an idea?

40  
41 Mr. Friedman,

42 We can actually run some numbers, but it's probably about a third automotive and about  
43 a third are home improvement or real estate-related; new home contracts. We see





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1 licensed new homebuilders as well; warranty issues. And then about a third are going to  
2 be retail sales, credit practices. (Inaudible).

3  
4 Councilmember Berliner,  
5 I do think it would be helpful if you run the numbers so that we have a sense as to -- .

6  
7 President Praisner,  
8 Well we can always track it over time to see what changes there may be.

9  
10 Councilmember Berliner,  
11 Yeah.

12  
13 President Praisner,  
14 That would be interesting and useful.

15  
16 Councilmember Berliner,  
17 Thank you.

18  
19 Councilmember Andrews,  
20 One of the challenges that the office faces is its current level of technology. And we had  
21 discussion about this in public safety. They are not in a position right now where they  
22 can easily track the cases and look at trends because they need a better way to  
23 manage that information. It is something that we expect to see a proposal about at  
24 some point. We weren't ready to recommend funding it for this year. But we are aware  
25 that it's a need. It would improve the ability of the office to track cases and to know and  
26 to keep up current, for example, when the office gets a question from the consumer  
27 about whether there have been complaints filed against a business. To be more certain  
28 of the results of the answer, it would be very helpful to have a better technology system  
29 in place. And so we could expect -- .

30  
31 President Praisner,  
32 I think a conversation not exclusive to this office and also a conversation with DTS as  
33 well.

34  
35 Councilmember Andrews,  
36 Yeah. Eric, can we talk very briefly about what you could do differently if you had the  
37 type of technology system that other agencies -- some other agencies already have?

38  
39 Mr. Friedman,  
40 We have great hopes and visions in terms we should know a whole lot more about our  
41 constituents than we do currently. We should know what the areas and zip codes and  
42 what areas the complaints are coming from. We should know whether or not we are  
43 reaching all the residents of Montgomery County and whether we're getting complaints  
44 only from one section of Montgomery County, or whether we're getting complaints only



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1 from one educational level or income level. We should know a whole lot more about the  
2 people that we serve. One quick example is we have merchant complaint records online  
3 24 hours a day, so If you are choosing between a repair shop -- A versus B, you can go  
4 online and determine how many complaints we have against two different shops so you  
5 know -- make that part of your educational decision as to which shops to include. We  
6 have no way of capturing and measuring how many times consumers hit that web page.  
7 So we've tried to change from just calling our office, we can get it 24 hours a day online,  
8 and we succeeded in doing that, but we've lost our ability as a performance measure  
9 how many times consumers go to our web page. So there are all sorts of information  
10 that we would like to be able to gather in terms of the nature of the dispute, the  
11 disposition of the disputes, and what trends we are seeing in terms of the kinds of  
12 questions that you were asking.

13  
14 Councilmember Andrews,  
15 Thank you.

16  
17 President Praisner,  
18 Okay, absent any other comments the budget stands as submitted by the committee.  
19 Thank you all very much. And we'll move to the PHED Committee Budgets on Housing  
20 and Community Affairs, and to be followed by HOC. So I would invite Director Nelson  
21 and whomever else he would like to have at the table; join us at the table. And I'll try to  
22 move through these and keep us on schedule. The folks who are joining us, if you could  
23 introduce yourself please. LuAnn, do you want to start?

24  
25 Ms. Korona,  
26 I am LuAnn Korona, Chief of Community Development.

27  
28 President Praisner,  
29 Joe.

30  
31 Mr. Giloley,  
32 I'm Joe Giloley, Chief of Housing and Code Enforcement.

33  
34 Mr. Nelson,  
35 Rick Nelson, Director.

36  
37 Mr. Wilcox,  
38 Fred Wilcox, Director's Office.

39  
40 Ms. Feinberg,  
41 Beryl Feinberg, OMB.

42  
43 Ms. Glavinic,  
44 And Rose Glavinic, OMB.



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1  
2 President Praisner,  
3 Mr. Nelson, is there anything you would like to say to begin, and then I'm just going to  
4 go through the budget.

5  
6 Mr. Nelson,  
7 I think the only thing I would say is just to repeat the County Executive's priority in the  
8 housing area, which is to increase the availability and supply of affordable housing;  
9 which of course is evident in his proposal with the Housing Initiative Fund. But also as  
10 reflected in the budget, the increasing demands on our code enforcement staff as we  
11 are receiving more and more calls to go out and perform that service. And I guess the  
12 other comment I would make in terms of potential changes in this whole area of trying to  
13 increase affordable housing, we have to all recognize that it's not going to occur in the  
14 area of new construction completely. There will be some new construction, but we've  
15 got to look at preservation of existing stock and in some cases, converting some of that  
16 to more affordable housing. And also in that process and combined with I think code  
17 enforcement. I mean looking at some of the neighborhoods in the County that require  
18 some more attention so that in fact we don't suffer in the out years because of lack of  
19 attention in those areas. Those are some of the priorities that I see that this budget will  
20 enable us to carry out.

21  
22 President Praisner,  
23 Thank you. I want to see if Linda has any comment that is she wants to make. No,  
24 otherwise I'm just going to go through the budget and highlight the committee  
25 recommendations. We had and will continue to have conversation not just about  
26 affordable housing issues as it relates to new units. Let me just say the committee is  
27 working through a variety of issues also waiting to see what comes out of the County  
28 Executive's task force on affordable housing. But the committee clearly believes that the  
29 issue is not just about new units but about existing housing stock and about existing  
30 communities. Also believes, or I should speak for myself, strongly believes it's not just  
31 about counting units that are new or counting existing units, but also looking at the  
32 community and also looking at services that may be needed; whether it is education  
33 about what it means to rent or own a house, or whether it means education and  
34 information and access to that facility that we have a whole host of things. The  
35 committee is going to continue to be looking at the MPDU program. We have some  
36 workforce housing regulation issues that we still need to deal with. There are some  
37 recommendations in here as it relates to closing cost assistance. The committee over  
38 the years has had several conversations been at the forefront on some initiatives with  
39 HOC for closing cost programs that kind of fell by the wayside because they were not as  
40 effective as we thought they were going to be. The question now is how we move and  
41 how we leverage to be more aggressive in that assistance that uses the tools that may  
42 be available. Councilmember Knapp had brought to the committee and the committee  
43 endorses the concepts of the programs that he has highlighted, but issues specifically  
44 associated with the programs for specific populations and closing assistance, namely,



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1 county employees or employee programs, have over the years when the committee has  
2 discussed this in the past, come back in the context of the collective bargaining process.  
3 And so we need more information on that issue. We also want to pull together a  
4 discussion of all closing cost programs so that we can better understand what is  
5 available, how we are connecting them, how we leverage opportunities for people, how  
6 we monitor that involvement when it's public dollars, and how this fits with HOC's efforts  
7 in the past as well. So when we get to that item I will obviously call upon my colleague  
8 to make whatever comments he might have. And as the department knows, and some  
9 members of the staff know, there has been significant concern, at least in my district,  
10 and I know in others it appears, related to code enforcement issues. And that spans not  
11 just code enforcement in DHCA's responsibility but also code enforcement and  
12 monitoring police for cars on the road and permitting services and their relationship with  
13 code enforcement. There are environmental issues and other issues. What we are also  
14 going to try to do is pull together everyone who has a code enforcement responsibility to  
15 try to have a conversation of where the responsibilities lie, where the overlaps may be,  
16 or in some cases not overlaps but where coordination could be improved so that folks  
17 know what to do. To some extent I think the Executive's 311 Initiative of one call and  
18 process may help with that, help to make sure that we intake as one issue what may be  
19 multiple issues across department responsibilities without even looking at the issue of  
20 how we are organized as county departments. The other area in which there appears to  
21 be significant interest ongoing is tied to some extent with the committee's conversations  
22 with Park and Planning Commission on facilities and community status and businesses  
23 and development and redevelopment. One of the reasons why folks take on in some  
24 case a desire to see the change that Councilmember Leventhal mentioned this morning  
25 about wanting their shopping centers to look differently is because they see businesses  
26 they may not like or there are businesses that they want to see there. They also on  
27 occasion they are talking about the visual appearance of those shopping centers or of a  
28 desire for someone to redevelop sometimes inconsistently with the master plan. And  
29 that often is better done with a conversation with Park and Planning at the table rather  
30 than trying to introduce zoning text amendments; that may make something possible for  
31 a specific site. So to some extent again we have multiple agencies that can assist  
32 economic development we talked about this morning, and that's when Councilmember  
33 Leventhal raised his point about the small business assistance or economic  
34 development assistance with the private sector when we're talking retail especially but  
35 not exclusively where there is this issue of does DHCA have a plan for redeveloping an  
36 area or redesigning an area; are there initiatives where the regional service centers are  
37 involved; are there places where the master plan is the issue; and the Planning Board  
38 may have a project that it needs to do. And sometimes we step on each other. And  
39 sometimes we have community people who are trying to race to the front of the line, not  
40 necessarily working cooperatively and getting the kind of outcome that we all want, or  
41 not understanding that expectations they may not legally be possible. So I think there  
42 are a lot of very positive and skilled employees in different departments with different  
43 pieces of the authority or responsibility, not necessarily maximizing the financial  
44 resources that we have or their skills, where we need to look at this issue and I think



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1 DHCA has a major role in that as well. So there are a lot of things going on turning  
2 around and that's not -- without going back to the issue of the quantity of units,  
3 condominium conversions, and all of those other issues that focus on housing and  
4 neighborhoods and community development and attention that I think every one wants  
5 to or has a piece of the pie, and unfortunately what happens is that we got some having  
6 cherry pie, some having apple, and not necessarily getting a good mix. So rhubarb and  
7 strawberry go together but I'm not sure everything else does.

8  
9 Unidentified,  
10 What wine goes with that?

11  
12 President Praisner,  
13 Wonderful. That's the context in which -- .

14  
15 Unidentified,  
16 (Inaudible) blueberry.

17  
18 President Praisner,  
19 That's the context in which the committee is going to be looking at working with DHCA.  
20 They'll bring the blueberry I guess.

21  
22 Mr. Nelson,  
23 We'll have a pie sale next month.

24  
25 President Praisner,  
26 Good, anything to raise money for community initiatives. My point is I don't think there  
27 are differences of opinion or even disagreements about what we have to do. The issue  
28 is how -- what we do first, how we do it, and how we make sure that we are all working  
29 together in the process of doing that. And that we have used all the tools we have and  
30 the skills we have to do these things. There's high energy on that side of the table.  
31 There is high energy on this side of the table. It's just a need for us to set a work plan to  
32 look at all these issues. That's the context in which I see this department playing a role.  
33 And that's the context in which the PHED Committee will be looking at all of these  
34 issues. So I wanted to highlight that first in the budget perspective. From a committee  
35 recommendation and review, there are several components that we have in front of us;  
36 the Capital Improvements Program, as well as the Operating Budget. And then there  
37 are references to the HIF, and also discussions that we'll then move into with the  
38 Housing Opportunities Commission. The committee's recommendations -- yes.

39  
40 Councilmember Floreen,  
41 (Inaudible). Before we get into the actual budget could other members of the (inaudible).

42  
43 President Praisner,  
44 Sure if they want.



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Councilmember Floreen,

I just wanted to say, and I've said this to some of you all privately, but I know that there is a work group talking about housing policy together. I really hope that the department will not allow continuing conversations to delay it in taking action on initiatives that it believes necessary that sees out there, and seize opportunities that become available to it as they become available. I am very concerned that we focus on action and not so many studies and reports and group efforts that we get distracted from the fundamental issue, which is the provision and preservation of housing that is affordable. I think, you know, lots of good thought has gone on the past and will continue to go on. And I applaud all that. There are a number of stalled initiatives that you are well aware of that I think need to be examined and moved forward. The issue of how you use county-owned land, the issue of accessory apartments, the issue of how we actually preserve existing housing and finding the funds and the collaboration necessary to allow large buildings to be preserved and protected. I think those are simple things -- well they are not simple, but they are clear cut. We know they are out there. Those are issues that are on the table now. And I am very concerned. And I certainly admonish you to keep your eyes on the ball as we move forward this year and over the next four. Please, let's not let studies be used to reach the same conclusions that have been reached for the past twenty years more or less. So I know you are aware of that. And I know you don't intend to let that happen. I respect that, but I just wanted to tell you again, in public, that I am very concerned that we be able to move forward with a number of the initiatives that you know that are out there. So I look forward to working through all this. I know nothing is inexpensive. And there is always a process that needs to be adhered to. But the fact was the matter is there are issues that need to be tackled today. You know what they are. And they are proposals that I think we are all prepared to move forward on once they come to us. So let's do it.

President Praisner,

Okay, Councilmember Elrich.

Councilmember Elrich,

I would like to associate myself with Nancy's remarks in large measure. I think that the County gets a lot of credit for doing very little. And I think that that is a problem. You may surprise me with your housing task force, but I feel like there is a real lack of representation from the community, particularly from tenants that I could probably write the report. The task force is so heavily weighted in one direction that I frankly find it dismaying. But maybe the results will surprise me. I like Nancy, think we already know a lot of what we need to do and where we ought to be focused and we ought to get down to doing it instead of perpetually figuring out how much we can talk about what we would like to do and what we might do in the hypothetical world if the State would change all of its laws and drop a ton of money in our lap. The other thing is I'm very concerned with -- Marilyn raised the point about code enforcement. I am very concerned about apartment code enforcement. You will surely be getting from me and from some





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1 other people a photo journal of what we have been looking at in Silver Spring, and what  
2 tenants are calling an SES to come out and look at. It's not a very pretty photo journal.  
3 And I hope the department deals with it quickly. And that I don't have to continue to get  
4 phone calls and emails asking my staff to come out and look at things. Because my staff  
5 really shouldn't be having to go out and look at things. So you will be getting that shortly.  
6

7 Mr. Nelson,

8 Yes. I would just like to say that I understand the concerns you have about the task  
9 force. But nothing in our office is in fact being delayed because of the task force. You've  
10 seen that we've put out the RAOI for example in Bowie Mill. That's not waiting for the  
11 task force. The task force is just viewed as another tool to help us to see if there are  
12 other things out there available to help us to do the job we've to do. You are right. Most  
13 of the folks in our department do understand some of the issues, some of the solutions,  
14 and are really trying to figure out how we can in fact accomplish those. And that's what  
15 they're doing. So your fears in terms of the task force holding us back are hopefully are  
16 unfounded. I hope that your fears in terms of the results of the task force are unfounded.  
17 I think that we are going to get some good things out the task force. I do think that it is in  
18 fact -- it's attempted to be balanced to reflect a lot of different views. But we can all have  
19 some disagreement over that. I think the real result and the proof of it will be in the  
20 results that come out of the task force. And I am hopeful that they will be results that will  
21 benefit the folks that we are trying to help; the ones who need to find affordable housing  
22 in the community, and who need improved neighborhoods. That's what it is about. And  
23 that's just a part of the effort we are putting forth this year.  
24

25 President Praisner,

26 Okay, let's move through the budget. As I indicated, the committee's recommendations  
27 appear on page 1 and 2, and I'm going to highlight them and then see if there are any  
28 questions as we move through. Most of the committee recommendations were  
29 unanimous but there were some differences. There was a discussion there as \$50,000  
30 in the budget for consultant funds that will be used to support the activities within the  
31 department for the Alternative Review Committee that is part of the MPDU unit program.  
32 The majority of the committee felt there will be a review of that issue and at this point to  
33 expend funds on doing additional analysis before we've had a chance to review the  
34 program. That's one issue that we can defer until we know what the ARC will look like in  
35 the future. The committee also recommends and supported adding a new housing code  
36 enforcement inspector. We had some discussion about the vehicle associated with that  
37 inspector. And we also are -- and we supported that position. We also are  
38 recommending on a vote of 2-to-1 funding -- actually it's 3-to-0 as to funding that  
39 position. The question and difference is where and how you fund it? I personally would  
40 fund it -- this additional position from the HIF funds that are part of the category of  
41 protecting existing neighborhoods that we've created as an additional category. The  
42 majority of the committee would prefer it go on the reconciliation list and not be  
43 incorporated with any of our HIF fund option, which could fund it at this point. They  
44 committee recommended that the six non-competitive contracts for funding under



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1 Building Neighborhoods to Call Home effort be continued. There had been an initial  
2 presentation by the Executive that the funding for the Pine Ridge Center was short the  
3 150,000 that was necessary from the previous -- from continuation of previous  
4 initiatives. Later it was revised by the County Executive and so the full amount is  
5 proposed by the executive. That does come out of the HIF fund. But the committee also  
6 had a conversation about wanting to use this coming year to have a conversation with  
7 the department and others about what is the appropriate ongoing expectations about  
8 continuing relationships with individual organizations under Building Neighborhoods to  
9 Call Home; what that definition should be, and how one organizes that piece of HIF  
10 especially in relationship to the protecting existing neighborhoods' issues which are  
11 maybe once you build them you need to protect them as well. And so the question is  
12 how we work on those issues. Was there something that you wanted to comment on,  
13 Councilmember Floreen.

14  
15 Councilmember Floreen,  
16 No.

17  
18 President Praisner,  
19 Okay. The next item is approval of an additional senior underwriter position and  
20 \$100,000 in additional consultant services. That's recommended by the Executive. And  
21 it's analysis of projects would apply for HIF funding. The committee had an opportunity  
22 in previous years to have some conversations on the issues of having good analysis --  
23 financial and other analysis, on these initiatives; the MPDU and the other projects that  
24 are examined by the department, and felt that a senior underwriter to help us with the  
25 financing pieces was critical. And given our experience we believe that would be  
26 beneficial. So we are supporting that proposal as well. Each year -- I'll get to the HIF  
27 fund later - let me skip that one. Each year we review and set a limit for the non-HOC  
28 payment in lieu of taxes agreements. That is the piece -- we decided several years ago  
29 that we would set the cumulative maximum for payment in lieu of tax abatements  
30 amounts and we would review that each year. This excludes all HOC properties from  
31 that consideration. But the budget resolution and the requirements direct the Director of  
32 Finance to maintain a record of all of those, and also to work and not sign any payment  
33 in lieu of taxes agreements that go above the limit that we've set. And the committee  
34 recommends approval of those limits as recommended. And also the issue came up,  
35 and it has come up relative to the assessment process and the whole process of the  
36 continuing to value that property so that we have a good assessment of what the value  
37 of that property were -- would be or what the payment in lieu of taxes actually value is  
38 so that we have a true setting on that. But there is also an issue that sometimes these  
39 properties do not stay in those categories and therefore, when they move to no longer  
40 having the abatement of property taxes, what is the valuation that should be associated  
41 with them. There may be units within facilities, et cetera. So we are anxious to -- we will  
42 return to a discussion of that whole issue about when a property with a payment of lieu  
43 of taxes is sold and when it comes back on the property tax rolls to make sure that the  
44 appropriate amount is associated with that. And then there are some grants in the



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1 budget that I would like to go to after we deal with the overall budget. And I'll stay with  
2 before we get to the CIP. So that's the Operating Budget of the department, and the  
3 discussions that we had and the issues that we have talked about as far as the work  
4 plan for the committee in the coming months. The housing initiative fund total amounts  
5 at this point, the committee has identified the categories. I am not sure that we have that  
6 here.

7  
8 Linda McMillan,  
9 Page 10 of the memo.

10  
11 President Praisner,  
12 Okay. All right, I wasn't sure. Turning past that -- there it is. On page 10 the memo are  
13 the categories that we have added the new preserving existing communities. They are  
14 the recommended targets for FY08. On page 10, the last chart on the right-side. We  
15 have never allocated all of the funds associated with the HIF, but we've had some  
16 conversations over the years about the Council at least having more engagement in this  
17 area to either establish priorities or to also track what might be happening. And you'll  
18 see that the committee made some modifications from the Executive's number and  
19 added preserving existing communities to that list. On that item, Councilmember Knapp.

20  
21 Vice President Knapp,  
22 Thank you, Madam President. And this I guess is for the committee as much as it is for  
23 the department. As you go through we've the targets that we've laid out as really hope  
24 to do things. If you look at new construction in particular for a variety of reasons we  
25 haven't achieved that target, but we've obviously exceeded the target in a number of  
26 other places. Through the course of the year when it becomes clear that we are not  
27 achieving a set target, does that come back to the committee for --.

28  
29 President Praisner,  
30 No, because these are just targets. They are not restrictions or limitations on anyone.  
31 They are priorities or goals associated with activity that we believe will occur, and they  
32 provide an opportunity for the Council to assign additional revenue or decrease it based  
33 on our activity and conversation. But they don't limit. And if money isn't spent, it couldn't  
34 be shifted.

35  
36 Ms McMillan,  
37 But for example, the department does track it by Council spending. If you look at Circle  
38 19, for example, they provided -- or chart that they keep and so when the committee  
39 met like midway during the year, we had a discussion about the housing initiative fund.  
40 They were able to provide that information. So if at any point during the year the Council  
41 wanted to have an update by category, they are able to provide it.

42  
43 Vice President Knapp,



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1 It's not even so much as a limitation, just if there are different trends out there that we  
2 see are more beneficial just to be apprised that this makes more sense than maybe it  
3 did a year ago. (Inaudible).

4  
5 President Praisner,

6 That's why it isn't a total dollar amount either, that it's not to penny, and it also is not  
7 meant to restrict activity within the funds but kind of target it.

8  
9 Mr. Nelson,

10 I would also say just based on the conversations I've had with the PHED Committee,  
11 that if there are any significant changes in what we have projected or discussed in the  
12 prior sessions that we would raise those with the PHED Committee so that they and you  
13 are apprised of any kinds of changes in the environment.

14  
15 Vice President Knapp,

16 I think it's just good for us to know what are better opportunities is to take advantage of  
17 than others may have been. Okay, great. Thanks.

18  
19 President Praisner,

20 Councilmember Floreen.

21  
22 Councilmember Floreen,

23 Thank you. I just want to weigh in apart from the fact that they are targets, I mean I think  
24 we've always have taken a view that we want them to seize opportunities as they  
25 proceed as I mentioned earlier. And there also are other elements as well that aren't on  
26 the list. There are other payments in lieu of tax programs, and especially in the new  
27 construction part. There also are the opportunities. Typically affordable housing is  
28 treated differently for various fees and taxes and so forth in the development process as  
29 well. So there are a variety of packages out there that play a role in all this.

30  
31 President Praisner,

32 Okay, if there are no questions on the department pieces, let me just highlight as well,  
33 the Community Developmental Block grants, the Emergency Shelter grants, and the  
34 Community Empowerment grants that are recommended by the County Executive. The  
35 grants are listed on pages 15, 16, 17, of your packet. The committee is recommending  
36 approval of the grants as recommended by the County Executive. We did request  
37 additional information as we discussed them about how they -- how we work on our  
38 whole grant process again. We had that conversation this morning about the Historic  
39 Medley District, and that might very well have fallen in this kind of category. So we need  
40 to continue as Councilmember Leventhal said this morning. I think every year there'll be  
41 messages and modifications as long as there are these programs. The one issue we did  
42 want to have a further conversation about that is the CDBG process. There are  
43 personnel that are associated with that. The question and the issue we wanted to look  
44 at is tracking the dollar amounts that the County gets through the CDBG program. We



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1 have gone through two years now where the issue -- the first year I have my Save the  
2 CDBG Program button. I probably should have worn it this afternoon -- that NACO  
3 distributed and the League of Cities distributed. Then I have a Save the CDBG Program  
4 Again button. And we printed a lot of those too. I don't know the extent to which  
5 changes in structure in Congress, et cetera, are going to have that significant a  
6 difference, but the issue probably is not on the block to be cut. But it is still an issue of  
7 how much funding is there, and as we look at dollars for services versus personnel  
8 versus what we are spending the CDBG money on. In the past we have used it on  
9 facility construction. And we have also used it in the grant initiative kinds of or  
10 neighborhood improvement perspectives, which are smaller type projects than building  
11 of facility. But the committee wants to have a further outside-the-budget conversation,  
12 some historical information and some review, so we have a better sense of policy going  
13 forward with CDBG money, which seems although to be safe for the moment, declining  
14 as far as dollars are concerned; which makes the personnel costs more visible, I  
15 believe. So that relates to the contracts and grants that are both associated with CDBG  
16 and Empowerment and Emergency Shelter and also Community Development. We had  
17 the conversation about the HIF fund grants as well in the Building Neighborhoods to  
18 Call Home. Which brings us to the last item which is the amendments to the CIP, unless  
19 there are other questions.

20  
21 Ms. McMillan,

22 I just have a correction. In the back of the packet the committee had asked for a chart  
23 that showed the relationship of the grants and DHCA to the Council grant requests. And  
24 that begins at circle 59. I just wanted to know note for you on Circle 60, Liberty's  
25 Promise. I had understood this to be partial funding at the request of the Council, but it  
26 is not. They have made a separate request to you. These are two different things. So  
27 they have \$20,000 recommended by the Executive, but when you get to Ms. Fitzgerald-  
28 Bare's package there will be a separate grant for the full \$50,000 that is requested. And  
29 then also on Circle 61, the Spanish Catholic Center, you also will have a separate grant  
30 request from them for a Council grant that is not related to this \$15,000 that is listed in  
31 CDBG.

32  
33 President Praisner,

34 We are trying to keep track of where we made sure we didn't if some grant came off the  
35 list and the total request we wanted to make sure that if there was some that it had been  
36 partially funded.

37  
38 Ms. McMillan,

39 Some things that you were looking at had them partially funded by the Executive.

40  
41 President Praisner,

42 As we indicated just as the Executive has partially funded some of these requests, the  
43 Council may want to assist with some of these but not necessarily get to the total dollar  
44 amount either in a new increment or in a brand new grant where there may not be full





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1 funding possible. The issue is the FY07/12 CIP. The committee recommended approval  
2 of the Executive's amendment and that's part of the issue is when the -- where and how  
3 the expenditures are being made as it relates to parking district funds. The other two  
4 items that we talked about were Councilmember Knapp's request of the issue of  
5 pedestrian linkages in the Clarksburg Historic area, not "are." That's the problem of  
6 word check. It is a word. It's just not the right one. And the \$60,000 request by  
7 Councilmember Leventhal for Economic and Urban Design studies in the West Tower  
8 area. And I know they are CIP projects, but since they are current revenue what we've  
9 done is place them on a reconciliation list so to speak since current revenue issues are  
10 in play, as we go through the process. But the committee is supportive of having them in  
11 play. They both go back to this issue that I started the conversation with of communities  
12 that are anxious to see some improvements that relate to a lot of what DHCA does, as  
13 well as other elements of departments. We were wanting to try to be supportive of some  
14 of those efforts but also make sure that they are defined such that they don't conflict  
15 with a Park and Planning master plan study or something else that is going forward.  
16 And I think as we had our conversations about Clarksburg, this one definitely does not.  
17 And as we had our conversations about West Tower Avenue, this area will be in the  
18 master plan review, but what we're talking about here is not massive redevelopment,  
19 but helping the smaller conglomeration of businesses that are there have some  
20 assistance with and may turn out to be façade easement kinds of things, and better  
21 access and signage issues as much as it is a master plan redesign. So with that, the  
22 committee recommends approval and Councilmember Knapp -- oh, I should probably  
23 talk about the closing assistance when we get to it. It's the last item if you want to wait  
24 until then.

25  
26 Councilmember Knapp,  
27 I can do that. No, I just want to thank the committee for their consideration of the  
28 request for Clarksburg. I think to the Chair's point that it is about making places as well  
29 as it is making homes available for folks. And sometimes this is where we need to be  
30 coordinated better I think sometimes as a County, because it's a logical time for us to be  
31 looking at the Clarksburg Historic District because of the plan of compliance, a lot of  
32 activities are going on and around it, and how that is an integral part. And so I  
33 appreciate the DHCA's interest in this. And I know a number of staff folks and I all went  
34 and marched around to Clarksburg and the Historic District, I don't know, 6 or 7 months  
35 ago, and I know the community is here as well. And so it's important because the timing  
36 is such that if we don't do it now, sure we could probably do it later but it doesn't  
37 leverage the other assets that we could take advantage of right now. So I appreciate the  
38 committee's consideration of that and DHCA's support as well.

39  
40 President Praisner,  
41 I just want to note for the record also I appreciate the department's efforts to try to pull  
42 together in one fiscal year the work that you're doing in the Burtonsville area, knowing  
43 that that will probably come back next year or a supplemental in order to move the next  
44 phase. But at least this gets us with the completed survey process and study process





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1 started. Otherwise it would have been piecemealed and ineffective from a standpoint of  
2 moving aggressively. So I wanted to thank (inaudible) and everyone in the department  
3 for your work in that area, and acknowledge Linda Bird and all the efforts she's been  
4 doing on code enforcement as well. Thank you. Joe, you are good too. That's going this  
5 way. And David. Okay, folks.

6  
7 Councilmember Knapp,  
8 Your are all good. Everybody. I agree.

9  
10 President Praisner,  
11 Everybody. I shouldn't start to naming some and ignoring others. Everybody is good.  
12 Thank you all very much. It's a long day. Let's move to the last two items. HOC: the two  
13 items associated with HOC, and the Closing Cost Assistance Program. And welcome  
14 Scott Minton to the table. Okay. We'll move to the Housing Opportunities Commission.  
15 Another crown jewel in Montgomery County from a standpoint of what I have seen of  
16 nationally and in this area. It's always a pleasure to be working with HOC. And I  
17 appreciate their efforts on an ongoing basis. The Council actually reviews our grant to  
18 this, which is our Affordable Housing Agency in Montgomery County. They have  
19 obviously other funds that are associated with their operations not just County money.  
20 But the County's contribution is \$5,686,290. So with that I am going to let the folks  
21 introduce themselves. And see if, Scott, you have any comments you want to make.

22  
23 Ms. Fowler,  
24 Terri Fowler, Budget Officer.

25  
26 Mr. Minton,  
27 Scott Minton, Executive Director of HOC.

28  
29 Ms. Feinberg,  
30 Beryl Feinberg, still OMB.

31  
32 Ms. Glavinic,  
33 And Rose Glavinic, OMB.

34  
35 Mr. Minton,  
36 I'll be very brief. Just wanted to thank the Council for its continued support of HOC. And  
37 the money that the County appropriates to HOC goes directly to services to the clients,  
38 because it's one of our main stays. It's a very important part of our operation being able  
39 to provide a variety of services to the residents and the voucher holders who we serve.  
40 Thank you very much.

41  
42 President Praisner,  
43 Thank you. And certainly given the comments we made earlier about the Federal  
44 Government and CDBG funds, working on housing and affordable housing and



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1 leveraging federal funds in the changing federal rule climate, has been a challenge and  
2 I suspect will continue to be regulations and procedures and funds and the way in which  
3 you have to approach vouchers and all kinds of other things continue to be a challenge.  
4 And it's not going away. So trying to maximize the number of clients and support those  
5 individuals will continue to be a challenge. As I said, we are placing also on the  
6 reconciliation list \$45,000 to provide a permanent Emergency Services Intake aid to  
7 assist with those folks who are in the situation of emergency crisis, eviction, rental  
8 issues, utility cutoff, et cetera. And again I think to some extent when we get the  
9 Executive's more developed 311 initiative, we may have some coordination and ability  
10 to maximize these things as folks call government. We make sure that they get to the  
11 program they need to without having to be directed all over the place. So I think that is  
12 something coming down the road. We did learn that HOC had sold some MDPU's, and  
13 maybe, Scott, you'd like to just say why, because obviously the committee had some  
14 concerns initially, but I think your responses made us comfortable at this point, anyway.

15  
16 Mr. Minton,  
17 There were -- .

18  
19 Councilmember Floreen,  
20 That just say you didn't have to write down everything we said in committee -- I did get  
21 over it.

22  
23 Mr. Minton,  
24 There are several reasons we have entered into sale of some of our MPDUs. One of the  
25 reasons is it is ability to raise money and buy MPDUs in areas of the County that are  
26 currently growing. We are using this money to leverage buying more MPDUs than we  
27 are selling. Secondly, we are targeting those communities of the County where we feel  
28 we are over impacted. We bought many of these units early on in the MPDU program,  
29 and bought more units than we would buy today in the community. So this is a way to  
30 create some home ownership opportunities in communities which may be over  
31 impacted with rental. And third, some of these are older units and from an economic  
32 point of renting, it is becoming harder and harder to rent them. So those were the  
33 reasons we expect that we can buy at least twice the number of units that we sold, and  
34 are working with our finance people to see if we can expand that beyond that.

35  
36 President Praisner,  
37 Councilmember Elrich.

38  
39 Councilmember Elrich,  
40 What is your definition of over-concentration and what do you think is an appropriate  
41 concentration?

42  
43 Mr. Minton,



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1 When MPDU rule allows HOC to buy 30% of the MPDUs in a community, depending on  
2 how the community -- how the MPDUs are situated within the larger community,  
3 determines the concentration. In the older ones, the ones that were selling out, selling  
4 units in, all the MPDUs were concentrated into small areas -- townhouses, and HOC in  
5 some instances had 10 of 30 townhouses. In retrospect in that setting that is too many.  
6 We are now buying about 20%, letting either -- taking some of our allocations and  
7 selling them to residents, or letting them go to nonprofits, or letting them go to sales.

8  
9 Councilmember Elrich,  
10 Are you still clustering them or are you now requiring they be spread through the  
11 (inaudible)?

12  
13 Mr. Minton,  
14 We don't control -- .

15  
16 President Praisner,  
17 They don't do that; that's site plan and that's Park and Planning.

18  
19 Mr. Minton,  
20 And if you go in some of the newer developments some are very well scattered and  
21 some of them are still placed off by themselves. So for very small cul-de-sac MPDU  
22 communities, having an overly, you know, number of renters, not just HOC, but renters,  
23 it effects the community we are trying to -- all of the people who have bought these have  
24 been workforce housing individuals who work in the county. So we are making  
25 opportunities that didn't exist.

26  
27 Councilmember Elrich,  
28 Okay.

29  
30 President Praisner,  
31 I think that -- that was the point that was very helpful in the conversation was that it's --  
32 with the kinds of controls or restrictions that you have continued to carry forward on  
33 those units, and also the kind of or level of population purchasing the units, it does meet  
34 another need that we have identified, which isn't that the MPDU or a lower level, but at  
35 the workforce housing level, which I found to be responsive in another way. I am not  
36 sure that we have a way of capturing that though from a standpoint of tracking and units  
37 quantity issues so that we can know the trends and since our County Council adopted  
38 workforce housing legislation only deals with central business districts and metropolitan,  
39 you know, the metro areas. It would be helpful for us or you to help us with identifying  
40 the extent to which if you control them or someone else has controls on them, that we  
41 are able to keep track of that workforce housing level housing. That also goes to the  
42 piece of existing housing versus new units being built, and preserving existing  
43 neighborhoods and preserving existing moderately priced homes; not necessarily  
44 MPDUs as defined. Councilmember Knapp.



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Vice President Knapp,

No, I just want to thank Scott for your explanation. Because I think that makes a lot of sense, and I appreciate the sensitivities, because as you described, there are situations where there are over concentrations in small areas and it creates very difficult community relations for everybody in that type of a situation. So I appreciate your sensitivity and I thought a very reasonable way to proceed in expanding housing opportunities for others, but also going back and looking at the issues that have been raised in different communities. So I think that we need to be looking at that in order to make all of our housing programs work. And so I think what you have explained is very legitimate and a very rational response.

Mr. Minton,  
Thank you.

President Praisner,

And again, that's the point that I want to spend some more time on from a standpoint of existing and protecting existing neighborhoods and those issues of policy. Because I think there are an awful lot of developments that we have approved with affordable housing MPDU units, whether they were the affordable housing units through the AGP exception or MPDUs where we didn't necessarily follow what was the original philosophy of disbursement within a development and therefore -- or as they became rental units ongoing and not necessarily MPDU units. We have communities where not the most appropriate attitudes are developed as a result of some of the concentration issues. We need to be building and preserving positive communities and dealing with living conditions across the board. And I have, over the years that I have been here, very much appreciated the HOC's approach through you and through Rick Ferrera as well, and others who have focused on these issues when it comes to assumptions of behavior, and expectations, and also worried about the community as a whole issue. So I think those are very important if we are going to be successful in changing the community issues. So that's basically the HOC message on the Capital Improvements Program issue. At one point, as you know, there was a discussion about -- well, I did want to say something about your center's concepts and getting out in the community more. And the fact that resident services and provision of resident services are aware the County has placed a lot of its financial support and assistance, and that we had hoped that HOC might be physically located with some of its near the community support in the up-county government center. But unfortunately that space was promised before you got there, and it is a piece of the other thing that I think we do wrong, which is not necessarily reach out broadly enough to everybody before we make a judgment about what is the most appropriate use of public space, and also identifying how much public space we need when we are building some facilities or having some need. So whether it's service delivery or being responsive access issues, it would have been an ideal location in my view.



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1  
2 Vice President Knapp,

3 Even after they have been encouraged to reach out broadly and make sure that they  
4 touch base with all of those folks, which is very frustrating from this side.

5  
6 President Praisner,

7 The CIP there is no amendments recommended by the County Executive, but the staff  
8 included that in packet because there may be some changes associated with that  
9 during the reconciliation process just in dollar-amount issues, but also HOC raised the  
10 concern about if we reduced funds in the Public Housing Improvement project, we  
11 would impact their ability to maintain and improve projects -- properties. So in essence,  
12 it's in play, but the point made was please don't focus on this as a way to reconcile  
13 things. And as far as the CIP project to fund the new office building, there is none, and -  
14 - unfortunately because I still think that it's in the agency that just is smart to look at for a  
15 different location. And I am troubled and disappointed that we are not moving forward  
16 and leveraging it with housing option is also it seems to me, and where there is public  
17 access, or public accessibility I should say, is also seems logical given the number of  
18 people with need for public transportation who might need to visit your offices. So it is  
19 disappointing to me that the CIP project for an office building has not moved forward.  
20 And I hope that we can resurrect that in some way at some point in time. This all started  
21 when they were trying to take the gymnasium of the existing school to make more office  
22 space, and I think I, unfortunately, apologized for saying why do you want to do that?  
23 Why aren't you looking in a new building? That was awhile ago.

24  
25 Mr. Minton,

26 We are still looking.

27  
28 President Praisner,

29 Well, let's keep looking.

30  
31 Mr. Minton,

32 We figured out of this year's but we are looking at what we can do and what we can  
33 find. I hope we can come back and say, yeah.

34  
35 President Praisner,

36 Thank you. The last item is the Closing Cost Assistance NDA and the Allocation from  
37 the Housing Initiative Fund for Closing Assistance. We have \$160,500 which we are  
38 approving in the County Executive's request the closing cost non-departmental account.  
39 That's the funds that pay for the HOC administrative costs for the program. We've had a  
40 program in the past. It has been in place long enough that I (inaudible) to have those  
41 conversations. We had great conversations about what Rockville was doing at the time,  
42 and how we develop a program to be responsive. It was a work through Fanny Mae's  
43 national program of assistance to housing agencies. We leveraged and worked on an  
44 ongoing basis with borrowers unfortunately as a second mortgage program to make it



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1 easier for folks to purchase. Unfortunately that program is not in existence any more.  
2 Fanny Mae stopped it several years ago. So there are no new loans but there is still the  
3 administration of the existing loans and the repayments. So that's why that's there. We  
4 also identified in the Housing Initiative Fund, and that is obviously what we talked about  
5 earlier. We created in home ownership category additional money -- I apologize.

6  
7 Mr. Minton,  
8 (Inaudible) I have the same ring tone. I was worried.

9  
10 President Praisner,  
11 That's not too bad. No, it was \$5.00. And I will happily donate that to HOC.

12  
13 Unidentified,  
14 (Inaudible) after 5:00.

15  
16 President Praisner,  
17 That's the 500,000 for the current closing cost program that HOC administers. And also  
18 adds additional capacity for additional efforts. As we said, we'll come back to this, as I  
19 said earlier, Councilmember Knapp had identified additional initiatives which the  
20 committee enthusiastically supported for homeownership proposals, the House Keys for  
21 Employees Program, the state's program to try to use that. As I mentioned earlier, we  
22 are putting more -- recommending more money in the HIF target to use that to expand  
23 the Closing Cost Assistance programs. But we wanted to make sure that we had a  
24 conversation first about all the Closing Cost Assistance programs that may be available,  
25 and what the private sector may be doing in this area, trust programs that have existed,  
26 how the private sector might do this for their own employees too, and how we might  
27 work on that. And issues that have come up in the past when the committee discussed  
28 an exclusive program for county employees, we discussed the challenges with that  
29 associated with collective bargaining and other legal questions. So we're going to return  
30 to all these issues to talk about it collectively so we have a better appreciation of how  
31 we can leverage these funds. But we're definitely not opposed and very supportive of  
32 the program. Councilmember Knapp.

33  
34 Vice President Knapp,  
35 Thank you, Madam President. And I just want thank the committee for their enthusiastic  
36 support for these. And also to the point that Mrs. Praisner raised as it relates to issues  
37 in the past as it relates to the bargaining units. We've had some follow-up conversations  
38 with the heads of most if not all of the various bargaining units. And there appears to be  
39 a level of interest on the part of all. And so I think that one of the things that I have  
40 gotten, obviously since the Council isn't a party to the agreements for the bargaining  
41 units, that the Executive Branch of HOC needs to at least put together kind of the  
42 outlines and say here's what we are thinking about trying to do. There appears to be a  
43 real interest there. So I would -- I think there are some things we could do in the short  
44 term just to try and see what barriers there might be. But everyone seems pretty





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1 enthusiastic. And so I think that's a good thing. But these were really just two proposals  
2 that I thank Linda McMillan for her assistance with, I'm kind of embarrassed on my staff,  
3 but to Ms. Floreen and Mr. Elrich's point earlier, you know, we can kind of keep waiting  
4 for the silver bullet that's going to solve all of our affordable housing issues, and there  
5 isn't a silver bullet, it's going to be lots of different things doing lots of different programs  
6 at the same, and these are just two more to put out there that I think can begin to  
7 address some short-term needs. And I appreciate, Scott, your suggestion that it may not  
8 just be first-time homebuyers, but there may be a group in there that kind of falls in  
9 between people who have had a home and now have been renting, and then kind of get  
10 back in the home purchasing kick. And so how do we structure in such a way that it's  
11 available to address that needs as well. And so I appreciate the committee's  
12 perspective, and I look forward to kind of moving these forward. But the conversation  
13 I've had so far everyone is generally open to it, and so it's just a matter of us trying to  
14 engage. And so if you want to follow up afterwards as to who we have spoken to and  
15 what the next steps would be, I'm happy to do that.

16  
17 President Praisner,

18 We had conversations about folks who were first time Montgomery County who may be  
19 employees who are moving into the area, who have owned a home somewhere else.  
20 We all know the horror stories of moving to some other jurisdiction to Montgomery  
21 County and sticker shock is common. So that's closing costs common shock. So there  
22 are all kinds of issues that become relevant. The conversation that the committee had in  
23 the past though is not just county employees, this is associated with nurse shortages, et  
24 cetera. Like the State may have programs relative to the employee piece, for our  
25 employees the question is how we leverage and incentivise (sic) other private sector  
26 folks to play in that same arena.

27  
28 Vice President Knapp,

29 To that end we've actually sent some of the details of the programs to the chambers  
30 and some other organizations as well so that the private sector is aware that this is not  
31 just us, and that it's open to all of them. I've been trying to say that in the various  
32 (inaudible) as well.

33  
34 President Praisner,

35 Well, there used to be a state Live Near Where you Work initiative and programs which  
36 were both environmentally incentives as well as programs that I know Park and  
37 Planning worked on as well; so incentives in that area. I know it's a Closing Cost  
38 Assistance Program, but in some cases it may also need to be broadened so it isn't just  
39 that area. Obviously not in this category but other categories that encourage people to  
40 relocate appropriately and fill some environmental challenges as well. With that in mind,  
41 I am 15 minutes over time. I apologize to everyone, but we are adjourned. Thank you.

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